

Voting Procedures

Chairman: Introduce the item

Staff: Presents the item

Chairman: Ask for those wishing to speak in support, then asks for those wishing to speak in opposition. Note: Planning Commission does not “debate” the issue at this time.

Chairman: Following presentation by staff and comments by the public, the chairman asks for a (main) motion. Motions should be in the positive not the negative.

Example: I move to approve as submitted or I move to approve with staff comments. **I second the motion.**

Chairman: Asks for discussion on the main motion.

Planning

Commission: Discussion, questions and debate by the planning commission. It is very helpful if the Planning Commission articulate why they are voting on an item and especially if voting against the motion to approve.

Chairman: Following Planning Commission discussion, the chairman asks for any amendments. If there are any amendments then a motion to amend and a second is required. Ask for discussion on the motion to amend. The vote on the amendments and if the amendments are approved, then;

Chairman: Calls for a vote on the amended main motion, or if the main motion was not amended then vote on the main motion.

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
AGENDA
ROSE ROOM
CREEKMORE PARK COMMUNITY CENTER
5:30 P.M.
April 9, 2019**

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL

III. APPROVAL OF MINUTES FROM March 12, 2019

IV. STAFF COMMENTS AND PROCEDURES

1. Rezoning Application #3-2-19; A request by Carroll King, owner, for a zone change from not zoned to a Planned Zoning District (PZD) at 7704, 7708, and 7714 Fort Chaffee Boulevard (Tabled March 12, 2019).
2. Huntington Chase Commercial Park, Phase II - Final Plat, Lots 3, 4, and 5- A request by Crafton Tull & Associates.

**RECESS PLANNING COMMISSION
CONVENE BOARD OF ZONING ADJUSTMENT**

3. Variance #10-4-19; A request by Ricky Hill, agent for A.B. Littlefield III, for a variance from gasoline sales setback requirements to allow a pump island and supportive canopy posts from 20' to 11' and an island canopy overhang from 10' to 2' from a public right-of-way at 3401 Cavanaugh Road.
4. Variance #12-4-19; A request by Neal Morrison, agent for Marion Driscoll, for an interior side-yard setback from 20' to 7' at 7111 Phoenix Avenue.
5. Variance #11-4-19; A request by Ron Brixey, agent for Jeff Fenwick, from required street access of residential collector or higher and perimeter landscaping and parking lot screening requirements at 1901 South Boston Street.

**RECESS BOARD OF ZONING ADJUSTMENT
CONVENE PLANNING COMMISSION**

6. Rezoning Application #6-4-19; A request by Ron Brixey, agent for Jeff Fenwick, for zone change from Transitional (T-1) to Commercial Neighborhood Compatible (C-1) by classification at 1901 South Boston Street.
7. Conditional Use #7-4-19; A request by Ron Brixey, agent for Jeff Fenwick, for a Barber Shop/ Salon/ Spa/ Massage Services at 1901 South Boston Street.
8. Home Occupation #3-4-19; A request by Mamie Feimster, owner, for a mobile ice cream truck at 2410 North 32nd Street.

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
MINUTES**

ROSE ROOM: CREEKMORE PARK COMMUNITY CENTER

March 12, 2019 – 5:30 P.M.

Before calling the meeting to order, Chairman Keesee asked everyone to stand for the Pledge of Allegiance. On roll call, the following commissioners were present: Don Keesee, Richard Morris, Shane Laster, Vicki Newton, Kelly Wilson, Ret Taylor, Marshall Sharpe, and Bob Cooper. Griffin Hanna was absent.

Chairman Keesee then called for a motion on the minutes from the February 12, 2019, meeting. Commissioner Taylor moved, seconded by Commissioner Sharpe, to approve the minutes as submitted.

Mr. Wally Bailey spoke on the procedures.

1. Rezoning #3-2-19; A request by Carroll King, owner, for zone change from not zoned to a Planned Zoning District (PZD) at 7704, 7708 and 7714 Fort Chaffee Boulevard (Tabled February 12, 2019 & March 12, 2019)

Chairman Keesee introduced item 1. He stated that this item had been tabled at the February meeting to allow time for land use issues to be worked out with the Fort Chaffee Redevelopment Authority's Real Estate Committee. Chairman Keesee indicated that a meeting of the Real Estate Committee had been scheduled for the following week to discuss the issues and make a recommendation to the FCRA Board. As a result, he stated that he did not believe there was a need for the commission to take action of this item and asked that the planning commission consider tabling the item. Commissioner Morrison moved, seconded by Commissioner Sharpe to table the request.

No one was present to speak in favor or opposition of the application.

There was no discussion on the item. The vote was 7 in favor to table the application and 1 abstention (Cooper).

2. Conditional Use #6-3-19; A request by Daniel Comstock, owner for an amendment to the original signage restrictions as required by Conditional Use #3-2-18 at 314 and 316 Lexington Avenue

Chairman Keesee introduced item 2. Ms. Maggie Rice read the staff report indicating approval of the conditional use would allow the salon to install a 4' x 6' neon wall sign on the north façade of the building. Ms. Rice stated that a neighborhood meeting was held Monday, February 25, 2019, on site with no neighboring property owners attending the meeting. She stated that staff received a phone call from a neighboring property owner in support of the request.

Daniel Comstock was present to represent the application. No one was present in opposition of the application.

Chairman Keesee called for a motion on the conditional use. Commissioner Cooper moved, seconded by Commissioner Wilson, to approve the request, subject to the following staff comments:

1. The signage shall be limited to the requested wall sign with a maximum of 24 square feet in area.
2. The following conditions previously approved with Conditional Use #3-2-18 still apply:
 - a) Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
 - b) Dumpsters must be screened in accordance with the UDO.
 - c) All new exterior lighting must comply with the UDO lighting requirements.

There being no discussion. Chairman Keesee called for a vote on the motion to approve the conditional use with staff comments. The vote was 8 in favor and 0 opposed. Chairman Keesee announced the conditional use was approved.

3. **Rezoning #4-3-19; A request by Brett Abbott, agent for Jerry Crawford, for Planning Commission consideration of a zone request from not zoned to Planned Zoning District (PZD) by classification located at 7309 Terry Street.**

Chairman Keesee introduced item 3. Ms. Brenda Andrews read the staff report indicating the approval of the zoning request would allow for the remodel of an existing 3,000 s.f. building for an office. Ms. Andrews stated that the subject property is on the southeast side of Terry Street between Ward Avenue and Darby Avenue. The tract contains an area of 0.27 acres of property and is within the Chaffee Crossing Mixed Use Historic Area. She stated that the PZD is intended to utilize this building as offices for GO YE Employment Agency. She stated that a neighbor meeting was held on Thursday February 21, 2019, at 6:00 P.M. at 2321 Rogers Avenue. No surrounding property owners attended the meeting. Ms. Andrews stated that staff recommended approval of the application subject to Mr. Abbot making a few minor edits on the PZD Booklet.

Brett Abbott was present to represent the application. No one was present in opposition of the application.

Chairman Keesee called for a motion on the application. Commissioner Taylor, seconded by Commissioner Laster, to approve the request, subject to the staff comments. Chairman Keesee called for a vote on the motion to approve the item with staff comments. The vote was 7 in favor and 1 abstention (Cooper). Chairman Keesee announced the zoning was approved.

4. Rezoning #5-3-19; A request by Brett Abbott, agent for Wade Pressley, for a zone change from not zoned to a Planned Zoning District (PZD) at 7601 Veterans Avenue.

Chairman Keesee introduced item 4. Ms. Brenda Andrews read the staff report indicating the approval of the zoning request would allow for the remodel of an existing building as an office and storage area. Ms. Andrews stated that the subject property is on the east side of Veterans Avenue south of Roberts Boulevard. The tract contains an area of 2.25 acres with approximately 221 feet of street frontage along Veterans Avenue and located within the Chaffee Crossing Mixed Use: Industrial/Office Area. A neighborhood meeting was held Monday, February 25, 2019, at 7601 Veterans Avenue. No neighboring property owners were in attendance. Ms. Andrews stated that staff recommended approval of the application subject to Mr. Abbot making a few minor edits on the PZD Booklet.

Chairman Keesee called for a motion on the application. Commissioner Taylor, seconded by Commissioner Wilson, to approve the request, subject to staff comments. There being no discussion. Chairman Keesee called for a vote on the motion to approve the item with staff comments. The vote was 8 in favor and no opposition. Chairman Keesee announced the zoning was approved.

5. Subdivision Variance #1-3-19; A request by Ricky Hill, agent for Gail Ragains, for variance from UDO section 27-504-3 (Private Access Easement) at 3306 Free Ferry Road.

Chairman Keesee introduced item 4. Ms. Brenda Andrews read the staff report indicating the approval of the zoning request would allow a private vehicular access easement approximately 142' x 62' on the approved Lewis Tract 3 for ingress and egress for future construction of a single family house. It will also utilize an existing driveway that will be shared with the proposed Tract 2. Ms. Andrews stated that the subject property is on the south side of Free Ferry Road and the North Side of Rogers Avenue and contains 1.60 acres with 142 feet of frontage on Rogers Avenue. Ms. Andrews stated that the future residence will not be permitted to have a driveway on Rogers Avenue due to UDO Section 27-503-2, which prohibits single family residences access on any street classified as a Major Arterial. She stated that staff recommended approval subject to 1) Approval is subject to the submitted site plan/plat; and 2) The access easement shall be utilized for a single family residence only.

Ricky Hill was present to represent the application. No one was present in opposition of the application. Jack Green, 4205 Free Ferry Road, asked if property zoned RS-1 could be zoned. Staff confirmed that properties zoned could be zoned provided they met the area and bulk requirements.

Chairman Keesee called for a motion on the application. Commissioner Morris, seconded by Commissioner Newton, to approve the request, subject to staff comments.

Chairman Keesee called for a vote. The vote was 8 in favor and no opposition. Chairman Keesee announced the item was approved.

6. Off-Site parking; A request by Jerry Jenkins for a remote parking agreement at 3400 South 74th Street.

Chairman Keesee introduced item 6. Ms. Brenda Andrews read the staff report indicating the approval of the off-site parking request would allow the existing medical clinic property located west of the site and owned by 1913 Capital, LLC to utilize 12 parking spaces from Joe's Grill and Cantina between 6 a.m. to 6 p.m. Monday through Friday. Ms. Andrews stated that the factors relating to remote parking include:

1. Remote Parking must be located within 300 feet of the facility it serves.
2. The parking agreement must be approved by the Planning Commission and filed with the Sebastian County Clerk. Any change to the agreement must be approved by the Planning Commission.

Jerry Jenkins was present to represent the application. No one was present in opposition of the application.

Chairman Keesee called for a motion on Off-Site Parking. Commissioner Cooper moved, seconded by Commissioner Taylor, to approve the request. Chairman Keesee called for a vote. The vote was 8 in favor and 0 opposition. Chairman Keesee announced the request was approved.

7. Off-Site parking; A request by Travis Brisendine, agent for Scott Clark, for a remote parking agreement at 4830 Leigh Avenue.

Chairman Keesee introduced item 7. Ms. Brenda Andrews read the staff report indicating the approval of the off-site parking request would allow Scott Clark to construct a new 34 space gravel parking lot on property owned by the Fort Smith Airport Commission to be utilized as employee and overflow parking for Sodie's Wine and Spirits 5401 Phoenix Avenue as well as the other businesses on Leigh Ave Business Park, Lot 2. Ms. Andrews stated that the parking lot will have perimeter landscaping and parking lot screening as well as interior landscaping. Ms. Andrews stated that the factors relating to remote parking include:

1. Remote Parking must be located within 300 feet of the facility it serves.
2. The parking agreement must be approved by the Planning Commission and filed with the Sebastian County Clerk. Any change to the agreement must be approved by the Planning Commission.

Travis Brisendine was present to represent the application. No one was present in opposition of the application.

Chairman Keesee called for a motion on the request. Commissioner Cooper moved, seconded by Commissioner Laster, to approve the request subject to the following staff comments:

- 1) Plans for the proposed crosswalk must be submitted for review and approval by the City Street Department.
- 2) Compliance with ARDOT requirements.
- 3) Submittal of a landscape plan during the building permit process that provides details on the plant species, sizes, and quantities in compliance with the UDO.
- 4) Submittal of irrigation plans or a maintenance plan for the landscaping.

Chairman Keesee called for a vote. The vote was 8 in favor and 0 opposition. Chairman Keesee announced the request was approved.

8. Home Occupation #1-3-19; A request by Joanita Logan owner, for an appointment only in home salon at 3606 Roosevelt Road.

Chairman Keesee introduced item 8. Ms. Maggie Rice read the staff report indicating the approval of the home occupation request would allow the operation of an appointment only hair salon at the applicant's residence. A neighborhood meeting was held on Friday, February 22, 2019, at 3:00 p.m. on site. No neighboring property owners attended the meeting.

Joanita Logan was present to represent the application.

Chairman Keesee called for a motion on the Home Occupation. Commissioner Taylor moved, seconded by Commissioner Morris, to approve the request, subject to the following staff recommendations:

1. The business license cannot be transferred to another residence without a new Home Occupation Application.
2. Compliance with UDO Home Occupation Requirements - Section 27-338-4F .

Chairman Keesee called for a vote. The vote was 8 in favor and no opposition. Chairman Keesee announced the item was approved.

RECESS PLANNING COMMISSION
CONVENE BOARD OF ZONING ADJUSTMENT

9. Variance #7-3-19; A request by Jamie Glidewell, agent for James Glidewell, for an interior side-yard setback from 100' to 35' at 5701 Steep Hill Rd, Building A.

Chairman Keesee introduced item 9. Ms. Maggie Rice read the staff report indicating the approval of the variance request would allow for a 2,400 s.f. addition to an existing warehouse. Ms. Rice added the subject property is on the north side of Steep Hill Road between Old Highway 71 and Steep Hill Cutoff Road and contains an area of 19.89 acres with approximately

460 feet of street frontage along Steep Hill Road. Ms. Rice stated that the property is located in the City's Extraterritorial Jurisdictional Area and zoned ETJ Industrial Moderate. She indicated that ETJ I-2 zoning district requires a 100' setback when abutting residential zoning districts. Ms. Rice stated that the property to the west was undeveloped but zoned Residential Estate One (RE-1).

Jamie Glidewell was present to represent the application. There was no one present to speak in opposition of the application.

Chairman Keesee called for a motion on the variance. Commissioner Wilson moved, seconded by Commissioner Sharpe, to approve the request. There was no discussion.

The chairman then called for a vote. The vote was 8 in favor and no opposition. Chairman Keesee announced the item was approved.

10. Variance #8-3-19; A request by Jo Hardy, agent for Firststar Bank, from 10' to 1' minimum distance between a monument sign and a property line at 6200 Massard Road.

Chairman Keesee introduced item 10. Ms. Maggie Rice read the staff report indicating approval of the variance request would allow the placement of a monument sign on Massard Road and a monument sign on Huntington Circle. She stated that each sign was 6' x 8'. Ms. Rice stated that the property was located in the Massard/Zero Street Overlay District, which requires signs to be placed at least ten (10) feet from the street right of way. Because of conflicts with utility easements on the east and north sides of the property, the signs cannot be placed at the ten (10) foot setback. Ms. Rice stated that the signs will also require approval of a Temporary Revocable License.

Jo Hardy was present to represent the application.

Chairman Keesee called for a motion on the variance. Commissioner Cooper moved, seconded by Commissioner Newton, to approve the request, subject to the following staff comments:

1. The Variance is approved based on the submitted site plan
2. Approval of a temporary revocable License

The chairman called for a vote. The vote was 8 in favor and no opposition. Chairman Keesee announced the item was approved.

11. Variance #9-3-19; A request by Brett Abbott, agent for Keith Lau, for a variance from 9,600 s.f. to 9,260 s.f. minimum lot size at 1001, 1011, 1021 North 49th Street.

Chairman Keesee introduced item 11. Ms. Brenda Andrews read the staff reports for the variance as well as the reports for the items 12, 13 and 14. She indicated that approval of the variance request and companion applications would facilitate the development of six duplexes (12 dwelling units) and the subdivision of three lots into six lots. Ms. Andrews stated that on May 8, 2018, the Board of Zoning

Adjustment approved variance requests for this project to allow a 9,600 s.f. minimum lot size and a 25' front-yard setback and 25' exterior side-yard setback. It was later discovered that the original site plan submitted with the variance had not accounted for the right-of-way dedication for the widening of Grand Avenue. As a result, the property dimensions submitted with the variance application were inaccurate. Ms. Andrews stated that the current variance application requests a minimum lot size of 9,260 s.f. She stated that the development plan is the same plan that was previously approved by the planning commission on September 11, 2018. Ms. Andrews stated that the only change in the development plan was the revised lot sizes.

Ms. Andrews stated that a neighborhood meeting was held on Thursday, February 21, 7:00 p.m. at the Fort Smith Library, 3201 Rogers Avenue. Four property owners attended the meeting and had no objections to the variance. A second neighborhood meeting was held Wednesday, March 6, 6:00 p.m., at the Fort Smith Library, 3201 Rogers Avenue. Four property owners attended the meeting and had no objections.

Brett Abbott was present to represent the application. Roberta Parks of 1116 North 49th Street spoke. She stated that she had no opposition to the project but asked Mr. Bailey if the UDO definition of duplex had been revised. Mr. Bailey stated responded that the planning commission had not yet reached a final answer.

Chairman Keesee called for a motion on the variance. Commissioner Cooper moved, seconded by Commissioner Sharpe, to approve the request, subject to the following staff comments:

1. Planning Commission approval of the companion development plan.
2. Planning Commission approval of the preliminary and final plats for Sutton Place, Block 10, Lots 4A, 4B, 5A, 5B, 6A & 6B.
3. Lot line adjustments are acceptable, but no lot shall be less than the approved minimum lot size.

Chairman Keesee called for a vote. The vote was 8 in favor and no opposition. Chairman Keesee announced the item was approved.

RECESS BOARD OF ZONING ADJUSTMENT
CONVENE PLANNING COMMISSION

- 12. Sutton Place – Preliminary Plat, Block 10, Lots 4A, 4B, 5A, 5B, 6A, and 6B- A request by Phillip Leraris.**
- 13. Sutton Place – Final Plat, Block 10, Lots 4A, 4B, 5A, 5B, 6A, and 6B- A request by Phillip Leraris.**
- 14. Development Plan #2-3-19 – A request by Brett Abbott, agent for Keith Lau, for Planning Commission consideration of a development plan request for a duplex development at 1001, 1011 and 1021 North 49th Street**

Ms. Andrews stated that staff recommended approval of the preliminary and final reports with the following comments:

1. Board of zoning approval of the companion variance application.
2. The developer must agree to meet all franchise and City Utility Easement Requirements.
3. After all required approvals of the plat and the affixing of all required signatures on the original tracing and other copies and associated documents, the plat will be filed with the Sebastian County Clerk.

Chairman Keesee called for a motion for item 12. Commissioner Cooper moved, seconded by Commissioner Sharpe, to approve the request, subject to staff comments. There was no discussion. Chairman Keesee called for a vote. The vote was 8 in favor and no opposition. Chairman Keesee announced the item was approved.

Chairman Keesee called for a motion on item 13. Commissioner Newton moved, seconded by Commissioner Taylor, to approve the request, subject to staff comments. Chairman Keesee called for a vote. The vote was 8 in favor and no opposition. Chairman Keesee announced the item was approved.

Ms. Andrews stated that staff recommended approval of the development plan with the following comments:

1. Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
2. Compliance with the following special conditions offered by the Developer and approved by the Planning Commission on September 11, 2018:
 - a. The guest parking shall be eliminated to allow for more greenspace/landscaping. In exchange for taking out the guest parking, "No Parking" signs shall be placed along the street in front of the development.
 - b. A landscape buffer shall be installed along the front of the property
 - c. Trash and recycle cans shall be screened under the stairs in the parking area
 - d. No traffic will be able to pass through between 48th and 49th streets to control traffic on each side of the development, eliminating the drive connections from east/west
 - e. No multi-tenant leasing allowed - each unit will be under 1 lease
 - f. Signage will be installed on the property stating "Tenant Parking Only" to deter guest parking on the property

- g. Occupancy of each unit shall be limited to one person per room or no more than 4 per each side of the duplex within the limits of the law.
- h. Drainage of the property shall be designed by an engineer.
- i. One unit will be reserved to an on-site manager at a reduced-rent rate in exchange for management services
- j. The developer shall collaborate with the city traffic engineer and a contracted engineering service for a traffic study to look at potential impact on the neighborhood. Ms. Andrews stated that the developer had complied with this requirement and noted that a copy of the traffic report had been provided to the planning commission.

Chairman Keesee called for a motion for item 14. Commissioner Newton moved, seconded by Commissioner Laster, to approve the request, subject to staff comments. There was no discussion. Chairman Keesee called for a vote. The vote was 8 in favor and no opposition. Chairman Keesee announced the item was approved.

There being no further business, the meeting adjourned at approximately 7:00 p.m.

Memo

To: City Planning Commission

From: Planning Staff

Date: March 27, 2019

Re: Rezoning #3-2-19 - A request by Carroll King, owner, for Planning Commission consideration of a zone request from not zoned to a Planned Zoning District (PZD) by classification at 7704, 7708, and 7714 Fort Chaffee Boulevard (tabled at the 2/12/19 and 3/12/19 Planning Commission meetings)

PROPOSED ZONING

The approval of the zoning will allow two existing vacant buildings to be utilized as an office, contractor shop and storage space. The third building may be utilized as one of the land uses in the PZD land use chart. The owner will also install a parking lot with landscaping on the eastern corner of the property.

LOT LOCATION AND SIZE

The subject property is on the northwest side of Fort Chaffee Boulevard between Darby Avenue and Robert's Boulevard. The tract contains an area of 1.07 acres with approximately 544 feet of street frontage along Fort Chaffee Boulevard and approximately 82 feet of street frontage along Darby Avenue.

REQUESTED ZONING

The applicant has requested a Planned Zoning District (PZD). The purpose of a Planned Zoning District is to assure control of certain development while providing the applicant a means of gaining commitment without undue financial risk. Specifically the purposes of a PZD are to encourage:

- Comprehensive and innovative planning and design of diversified yet harmonious development consistent with the comprehensive plan;
- Better utilization of sites characterized by special features of geographic location, topography, size, or shape;
- Flexible administration of general performance standards and development guidelines;
- Primary emphases shall be placed upon achieving compatibility between the proposed developments and surrounding areas to preserve and enhance the neighborhood through the use of enhanced site design, architecture, landscaping, and signage.

- Developments that utilize design standards greater than the minimum required by the UDO.

EXISTING ZONING

The property is currently Not Zoned.

SURROUNDING ZONING AND LAND USE

The area to the northwest is not zoned and developed as furniture retail sales, HVAC shop, microbrewery, and vacant buildings.

The area to the northeast is not zoned and developed as a contractor shop and vacant buildings.

The area to the southeast is not zoned and developed with vacant buildings.

The area to the southwest is not zoned and developed as a contractor shop and retail.

MASTER STREET PLAN CLASSIFICATION

Fort Chaffee Boulevard and Darby Avenue are unclassified streets.

MASTER LAND USE PLAN COMPLIANCE

The Chaffee Crossing Master Land Use Plan classifies the site as Mixed Use: Historic Area. This classification is designated to facilitate the creation of a pedestrian-friendly environment to encourage the redevelopment of the historic core into a community and/or tourist destination. This classification is intended to preserve key existing Chaffee Crossing buildings by renovations, have infill development that has a contextual relationship with surroundings, and provide amenities in the open spaces with plazas, streets, and parks to reinforce the mixed use historic area.

PROJECT BOOKLET

A copy of the project booklet is enclosed for your review. The following criteria shall be considered by the Planning Commission when reviewing the project booklet:

- A. Is the site capable of accommodating the building(s), parking areas and drives with the appropriate open space provided? **A parking lot is proposed with the PZD.**
- B. Does the plan provide for safe and easy ingress, egress and internal traffic circulation? **The parking lot will be accessed by a 12' driveway on Fort Chaffee Boulevard. No other driveways are proposed.**
- C. Is the plan consistent with good land use planning and site engineering design principles, particularly with respect to safety? **There appears to be no safety issues pertaining to the proposed development. However, the traffic associated with some of the proposed uses could conflict with the purpose and goals of the Mixed Use: Historic Area.**

- D. Are the architectural designs consistent with the City of Fort Smith policies and regulations and compatible with surrounding land use features? **The PZD Booklet states that development will comply with the UDO Transitional and Commercial Building Design Standards of the UDO and the Chaffee Crossing Master Development Standards.**
- E. Does the Plan represent an overall development pattern that is consistent with the Comprehensive Plan, Master Street Plan, Master Land Use Plan, and other adopted planning policies? **The PZD proposes some land uses that are inconsistent with the Chaffee Crossing Redevelopment Plan which classifies this property as Mixed Use: Historic Area. Those uses include: warehouse, mini storage warehouse, electrical, plumbing, heat & air conditioning (without outside storage). The Mixed Use: Historic Area classification has been designated to facilitate the creation of a pedestrian-friendly environment to encourage the redevelopment of the historic core into a community and/or tourist destination.**
- F. The required right-of-way dedication has been identified by the City Engineering Department? **No additional right-of-way is required.**
- G. All easements and utilities shall meet the requirements of the approving departments and agencies? **The PZD booklet states that the site has existing water and sanitary sewer parallel to Fort Chaffee Boulevard.**
- H. Articulate how the plan minimizes or mitigates the impact of increased traffic both in volume and vehicle size. **The PZD Booklet states that Fort Chaffee Boulevard has an existing right-of-way width of 80' and is capable of handling anticipated traffic demands for the existing use and allowable land uses.**
- I. Articulate how the plan exceeds the UDO requirements. (e.g. increased landscaping increased high quality materials, etc.) **The applicant has stated that the buildings will comply with the Chaffee Crossing Master Development Guideline's facade materials and signage. The facade materials will consist of 100% of high quality materials.**

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – The buildings are existing and are built to the edge of the property line. All ingress and egress will occur on the proposed parking lot on the northwest corner of the property.

Right-of-way dedication – No new R.O.W. dedication is required or proposed at this time.

Drainage – No drainage improvements are required for the proposed.

Landscaping & Screening – A 10' wide landscape buffer is proposed on the perimeter of the proposed parking lot adjacent to Fort Chaffee Boulevard and Darby Avenue.

Parking – A parking lot is proposed with the development.

Signage – No new signage is proposed at this time. The PZD booklet states that all signage will comply with the UDO and Chaffee Crossing Development Guidelines.

Sidewalks – No sidewalks are proposed.

FACTORS TO BE CONSIDERED

Approval, approval as amended, or denial of the application and project booklet shall be based on the following factors as outlined in Section 27-341-3(E) of the UDO:

- A. Compatibility with the Comprehensive Plan, Master Street Plan, and applicable area plans (e.g., corridor, neighborhood)
- B. Compatibility of the proposed development with the character of the neighborhood.
- C. The zoning and uses of adjacent and nearby properties, and the compatibility of the proposed future uses with those existing uses.
- D. The extent to which the proposed land use would increase or change traffic volume or parking demand in documented evidence or engineering data, road conditions, road safety, or create parking problems in combination with any improvements that would mitigate these adverse impacts.
- E. The current availability of public utilities and services and the future capacity needed to adequately serve the proposed land use in combination with any improvements that would mitigate these adverse impacts.
- F. That the application complies with all relevant ordinance requirements (for example 27-200, 27-500, 27-600, and 27-700).

NEIGHBORHOOD MEETING

A neighborhood meeting was held on Tuesday, February 5, 1:00 P.M. on site. The meeting was attended by five property owners who expressed objections to the proposal that would allow warehousing or other uses that would not facilitate the creation of a pedestrian friendly environment. The attendance record and meeting summary are enclosed.

STAFF COMMENTS

The applicant's proposed PZD has many retail and office land uses that are compatible with the Mixed Use: Historic Area. However, there are some land uses that are not compatible with this land use, such as warehouse, contractor shop (without outside storage), min-storage warehouses, and electrical, plumbing, heat & air conditioning manufacturing and wholesale trade. These land uses would be more appropriate in Chaffee Crossing's Mixed Use: Industrial Office or Mixed Use: Business Park. Those land use classifications are described as follows:

Mixed Use: Business Park

80% Office – service industry office (construction company, medical lab, technology industry)

20% Light Industrial - small factory, supply company, service business

Mixed Use: Industrial/Office

80% light Industry – large factory (light manufacturing plant, light transport hub, distribution center)

20% Office – service industry office (warehouse, storage facility)

The PZD application was tabled at the Planning Commission's February 12th and March 12th meetings to allow the FCRA additional time to resolve the conflict with the land use classification and the proposed industrial uses and to allow proper and complete notice to all surrounding property owners.

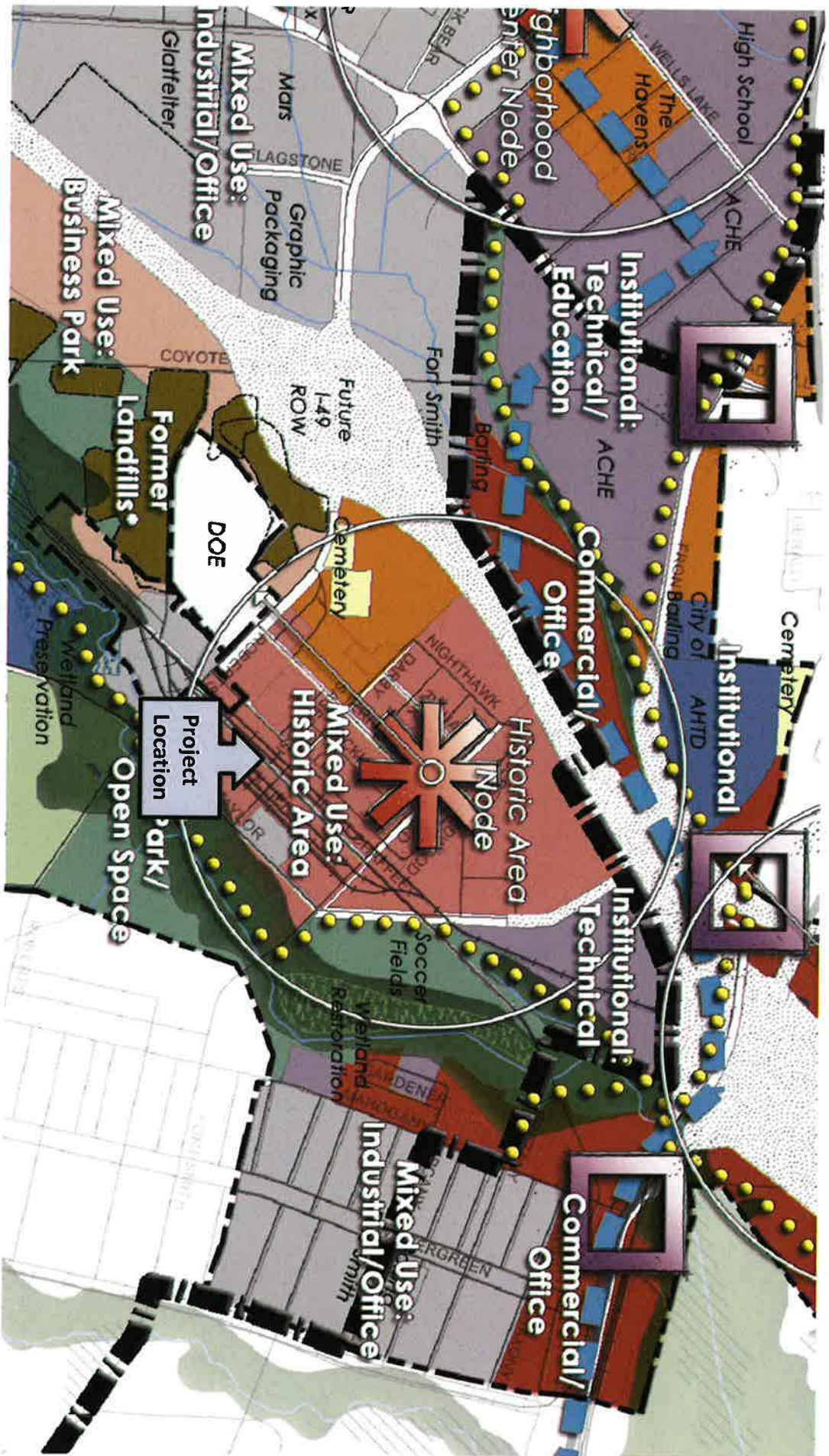
The FCRA Real Estate Review Committee met on March 19, to discuss the issues involving this PZD request. A resolution to the land use issues has not been reached.

The next scheduled meeting of the FCRA Real Estate Review Committee to discuss the land use is April 11th. Any recommendations by the committee to change the land use classification must subsequently be approved by the FCRA Board.

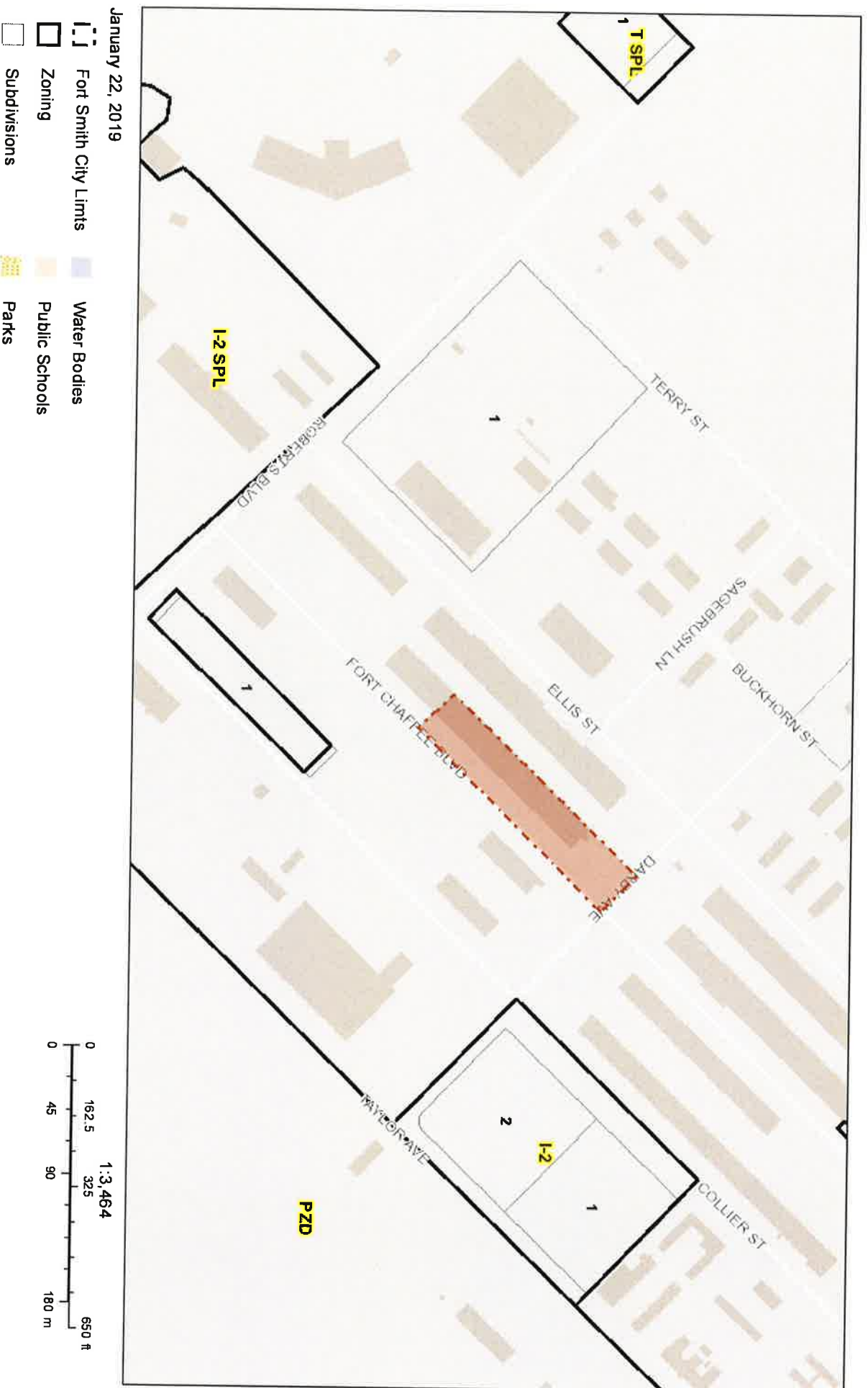
STAFF RECOMMENDATIONS

Staff recommends tabling the application until the land use classification issue is resolved.

Chaffee Crossing Future Land Use Map



Rezoning #3-2-19: From Not Zoned to Planned Zoning District (PZD) 7704, 7708 and 7714 Fort Chaffee Boulevard



Rezoning

7704, 7708 and 7714 Fort Chaffee Boulevard

Ward Avenue

Legend

Dalby Avenue

Fort Chaffee Boulevard

Rezoning #3-2-19

Google Earth
Image Landsat / Copernicus

900 ft

N

PETITION FOR CHANGE IN ZONING MAP

Before the Planning Commission of the City of Fort Smith, Arkansas

The undersigned, as owner(s) or agent for the owner(s) of the herein described property, makes application for a change in the zoning map of the City of Fort Smith, Arkansas as follows:

1. The applicant is the owner or the agent for the owner(s) of real estate situated in the City of Fort Smith, Sebastian County, Arkansas, described as follows: (Insert legal description)

2. Address of property: 7704, 7708, & 7714 Fort Chaffee Blvd.

3. The above described property is now zoned: not zoned

4. Application is hereby made to change the zoning classification of the above described property to a Planned Zoning District.

5. Explain why the Planned Zoning District is requested?

The properties are not currently zoned. I would like to have my contractors shop & offices in 7704 & 7708, and leave 7714 for potential businesses.

Signed:

Carroll King

Owner or Agent Name
(please print)

Carroll King

Owner

11514 Kings Way DR. - Ft. Smith, AR or
Owner or Agent Mailing Address and 72916

Phone Number

479-461-5785

CARROLL-KING @ COX. Net.

Agent

NOTICE OF PUBLIC HEARING

Notice is hereby given that the undersigned, as owner(s) or agent for the owner(s) of the following described property in the Fort Smith District of Sebastian County, Arkansas, to wit:

7704, 7708 & 7714
Address of property Fort Chaffee Blvd has filed with the Director of Planning a
(Street Address)
written application to City of Fort Smith, Arkansas, to request a zone change from
Not Zoned to a Planned Zoning District by classification
(Classification or Extension)

The undersigned will present said application to the City Planning Commission at its first regular meeting following the expiration of fifteen (15) days from the date of this publication, at which meeting the Planning Commission will conduct a public hearing on said application. All interested persons are invited to attend and are entitled to be heard.

This notice published this _____ day of _____, 20____.
(City will insert Date)

LETTER REGARDING RESTRICTIVE COVENANTS

Restricted covenants are regulations that are maintained and enforced by the property owners of the subject subdivision. These covenants may be found in your abstract or at the County Circuit Clerks Office. Restrictive covenants are often enforced in subdivisions with homeowner's associations and can always be more restrictive but never less restrictive than the City of Fort Smith's Zoning Regulations. *(See attached additional information on restrictive covenants)*

TO: Planning Department

SUBJECT: Legal Description of Property *(Insert legal description)*

See Attached

I have searched all applicable records, and to my best knowledge and belief, there are no restrictive covenants running with the above described land except as follows: *

Chaffee Crossing Master Development
Guidelines.

Carol Hug
Signature

(If no restrictive covenants exist, indicate "none".)*

LIST OF OWNERS OF ALL PROPERTY WITHIN 300 FEET

(Please Type or Print)

The Planning Department is required to give notice (in writing) of this application to all surrounding property owners. List the name and address of the owner of every piece of property within 300 feet of any part of the property. This information may be obtained at the County Assessor's Office located in the Sebastian County Courthouse - Room 107. Please call the Tax Assessor's Office at 783-8948 for an appointment. (The Planning Department will mail the notices for you.)

	<u>NAME</u>	<u>ADDRESS</u>
1.	BLAKE Properties	P.O. BOX 6777 - Fort Smith, Ar 72906
2.	Fort Chaffee Redevelopment	P.O. Box 11165 Fort Smith, Ar 7291
3.	Diades Investments, LLC	5701 Euper LN Fort Smith Ar 7290
4.	Premier Heating & Air, LLC	7300 Chaffee Blvd. Fort Smith Ar 729
5.	Beam Properties, LLC	1104 M Street Banning, Ar 72923
6.	Colliers Warehouse, LLC	8101 McClure Dr, Suite 201 Ft. Smith Ar 72916
6.	RANDALL DeCANTER	1209 Lisa LN Van Buren, Ar 72956
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		

parcel_id	OW_NAME	OW_ADD	PH_ADD	
10558-0001-00000-00	BLAKE PROPERTIES, LLC	P.O. BOX 6777 FORT SMITH AR 72906	11601 ROBERTS BLVD	LOT 1
40001-0000-00703-00	BLAKE PROPERTIES, LLC	P.O. BOX 6777 FORT SMITH AR 72906	7601 TERRY STREET	PT NW 1/4
40001-0000-00708-00	FORT CHAFFEE REDEVELOPMENT TRUST	P.O. BOX 11165 FORT SMITH AR 72917	7800 DARBY	PT NW 2 & SE SEC 1
18883-0000-00410-00	DADES INVESTMENTS, LLC	5701 EUPHER LN Fort Smith AR 72903		SE SEC 1
18883-0000-00410-01	DADES INVESTMENTS, LLC	5701 EUPHER LN Fort Smith AR 72903		NE 1/4
18883-0000-04083-01	PREMIER HEATING & AIR, LLC ARKANSAS LIABILITY COMP	7300 CHAFFEE BLVD BLDG 215 Fort Smith AR 72916	7606 FORT CHAFFEE BLVD BLD	
18883-0000-04088-00	BEAM PROPERTIES, LLC	1104 M ST Barling AR 72923	ELLS ST	PT NW 1/4
18883-0000-04090-01	COLLIERS WAREHOUSE, LLC	8101 MCCLURE DRIVE, STE 201 Fort Smith AR 72916	DARBY AVE & COLLIER ST	1.21 AC
18883-0000-04083-00	DECANTER, RANDALL D & TINA M	1209 LISA LANE Van Buren AR 72956		
40001-0000-00213-00	FORT CHAFFEE REDEVELOPMENT TRUST	P.O. BOX 11165 FORT SMITH AR 72917	7600 COLLIER ROAD	PT S/2
<Null>	<Null>	<Null>	<Null>	<Null>

Item 1



FCRA King Bldg 310

Part of the Northeast Quarter of the Northeast Quarter, and part of the Northwest Quarter of the Northeast Quarter of Section 9, Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas. Being more particularly described as follows:

Commencing at the northeast corner of said Section 9, said point being marked with an existing railroad spike; Thence along the north line of said Northeast Quarter, N87°17'45"W, 956.59 feet to a point on the westerly right-of-way line of Fort Chaffee Boulevard as described in Document Number 2014F-16552, being filed for record November 25, 2014; Thence along said westerly right-of-way line, S44°05'07"W, 505.52 feet to the **Point of Beginning**, said point being marked with a set 1/2" rebar with cap stamped MWC 1369; Thence continuing along said right-of-way line, S44°05'07"W, 242.19 feet to a set magnetic nail; Thence leaving said right-of-way line, N45°55'10"W, 81.82 feet to a set magnetic nail; Thence N44°02'30"E, 272.11 feet to a point on the southerly right-of-way line of Darby Avenue as described in said Document Number 2014F-16552, said point being marked with a set 1/2" rebar with cap stamped MWC 1369; Thence along said southerly right-of-way line the following courses: S46°00'33"E, 51.98 feet to a set 1/2" rebar with cap stamped MWC 1369; 47.17 feet along the arc of a curve to the right, said curve having a radius of 30.00 feet and being subtended by a chord having a bearing of S00°57'43"E, and a distance of 42.46 feet to the **Point of Beginning**. Containing 0.51 acres, more or less.

FCRA King Bldg 311

Part the Northwest Quarter of the Northeast Quarter of Section 9, Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas. Being more particularly described as follows:

Commencing at the northeast corner of said Section 9, said point being marked with an existing railroad spike; Thence along the north line of said Northeast Quarter, N87°17'45"W, 956.59 feet to a point on the westerly right-of-way line of Fort Chaffee Boulevard as described in Document Number 2014F-16552, being filed for record November 25, 2014; Thence along said westerly right-of-way line, S44°05'07"W, 747.71 feet to the **Point of Beginning**, said point being marked with a set magnetic nail; Thence continuing along said right-of-way line, S44°05'07"W, 151.10 feet to a set magnetic nail; Thence leaving said right-of-way line, N45°55'10"W, 81.70 feet to a set magnetic nail; Thence N44°02'30"E, 151.10 feet to a set magnetic nail; Thence S45°55'10"E, 81.82 feet to the **Point of Beginning**. Containing 0.28 acres, more or less.

FCRA King Bldg 312

Part the Northwest Quarter of the Northeast Quarter of Section 9, Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas. Being more particularly described as follows:

Commencing at the northeast corner of said Section 9, said point being marked with an existing railroad spike; Thence along the north line of said Northeast Quarter, N87°17'45"W, 956.59 feet to a point on the westerly right-of-way line of Fort Chaffee Boulevard as described in Document Number 2014F-16552, being filed for record November 25, 2014; Thence along said westerly right-of-way line, S44°05'07"W, 898.81 feet to the **Point of Beginning**, said point being marked with a set magnetic nail; Thence continuing along said right-of-way line, S44°05'07"W, 151.10 feet to an existing magnetic nail; Thence leaving said right-of-way line, N45°55'10"W, 81.59 feet to an existing magnetic nail; Thence N44°02'30"E, 151.10 feet to a set magnetic nail; Thence S45°55'10"E, 81.70 feet to the **Point of Beginning**. Containing 0.28 acres, more or less.

CHAFFEE CROSSING RE-DEVELOPMENT OF
BUILDINGS 310, 311, & 312
PLANNED ZONNING DISTRICT APPLICATION

PROJECT: Reuse of buildings 310, 311, & 312 Fort Chaffee Blvd.

LOCATION: 7704, 7708, & 7714 Fort Chaffee Blvd.

OWNER: KING MANAGEMENT, INC.

CARROLL KING

11514 KINGS WAY DRIVE

FORT SMITH, AR 72916

TO: CITY OF FORT SMITH

623 GARRISON AVE.

FORT SMITH, AR 72902

ENGINEERS: N/A

DATE: January 17, 2019

**CHAFFEE CROSSING RE-DEVELOPMENT OF
BUILDINGS 310, 311, & 312**

PLANNED ZONING DISTRICT APPLICATION

1a. Need for requesting the zoning change and response to how the proposal fulfills the intent/purpose of the Planned Zoning District.

The purpose that I bought the buildings is to supply an office area and shop space for my electrical and HVAC businesses and space for storage. The possible uses for the remaining space are the majority of permitted uses in the Commercial Light (C-2) zoning district except uses such as warehouse, contractor shop W/O outside storage, flea market (inside), mobile food services, parking lot (commercial), electrical, plumbing, heat & air conditioning W/O outside storage, mini warehouses, and glass sales and service.

1b. Current ownership information, (landowner/applicant and representative of applicable) and any proposed or pending property sales.

Carroll King

11514 Kings Way Drive

Fort Smith, AR 72916

1c. Comprehensive description of the scope, nature, and intent of the proposal.

The planned zoning will allow for the renovation of old offices to be upgraded and also have necessary contractor office and shop space.

1d. General project concept:

i. Street and lot layout

See attached survey.

ii. Site Plan Showing Proposed Improvements.

See parking plan with landscaping incorporated.

iii. Buffer area, screening and landscaping.

All future development will comply with the landscaping and screening requirements of the UDO.

iv. Storm water detention areas and drainage.

All drainage and detention will comply with the City of Fort Smith 2011 Drainage Standards.

v. Undisturbed natural areas – N/A

vi. Existing and proposed utility connections and extensions

All utility connections already exist to the building.

vii. Development and architectural design standards.

Development will comply with the general design standards of the UDO and Chaffee Crossing Master Development Guidelines. Onsite parking spaces will be provided on the gravel area located east of building 310. (Please refer to the attached parking plan).

vii. Building elevations

Buildings already exist. See attached pictures.

viii. Proposed signage (type and size)

All signage will comply with UDO and Chaffee Crossing Master Development Guidelines.

1e. proposed development phasing and time fame.

To begin first quarter 2019.

1f. Identify land use designations

The property is located within the Mixed Use: Historic Area

1g. Identify area and bulk regulations.

Minimum building separation- Shall be determined by the current city building and fire codes.

Maximum building height. 40 ft.

Additional Height Section 27-404D-2 of the UDO. A structure may not be more than the maximum allowable feet high at the minimum setback lines, but for each additional foot of horizontal setback in excess of the minimum from all setbacks, the height may be increased by one foot. The height of a babbled end of a building shall be measured at the midpoint of the gable instead of the peak of the gable.

Setbacks:

Front	0 in.
Side	0 in.
Rear	0 in.
Street side	15'

1h. A chart comparing the proposed land uses and the zoning district(s) requirements (Land uses, setbacks, density, height, intensity, bulk and area regulations, etc.)

The property is currently not zoned.

1i. A chart comparing the proposed land uses and the zoning districts(s) where such land Uses are permitted.

See Chart 1 Planned Zoning District Permitted Land Uses vs. Existing Zone Designations

1j A chart articulating how the project exceeds the UDO requirements (ex. Increased landscaping, increased high quality materials on the façade, etc.)

The signs will comply with the Chaffee Crossing Master Development Guidelines. Also, the facades of the buildings will comply with Chaffee Crossing Master Development Guidelines and will consist of 100% of high quality materials.

1k Statement of how the development will relate to the existing and surrounding properties in terms of land used, traffic, appearance, and signage.

The properties in the vicinity have a Land Use of Mixed Use- Historic area.

The proposed PZD uses will include small offices, contractor shops, hobby shops, and material storage space.

Traffic will not be impacted in an adverse manner.

1l. a traffic study when required by the Engineering Department.

The City Engineering Department has indicated that a traffic study will not be required.

1m. Statement of availability of water and sewer.

Public Lines

An 8" water line runs along the west side of the property parallel to Fort Chaffee Blvd.

An 8" sewer line runs along the east side of the property parallel to Fort Chaffee Blvd.

A 6" public fire line and hydrant runs along the west side of the property parallel to Fort Chaffee Blvd.

|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|

[illegible]

Exhibit "A"

Property

(Drawing for reference purposes only. Full legal description and survey to be provided prior to closing.)

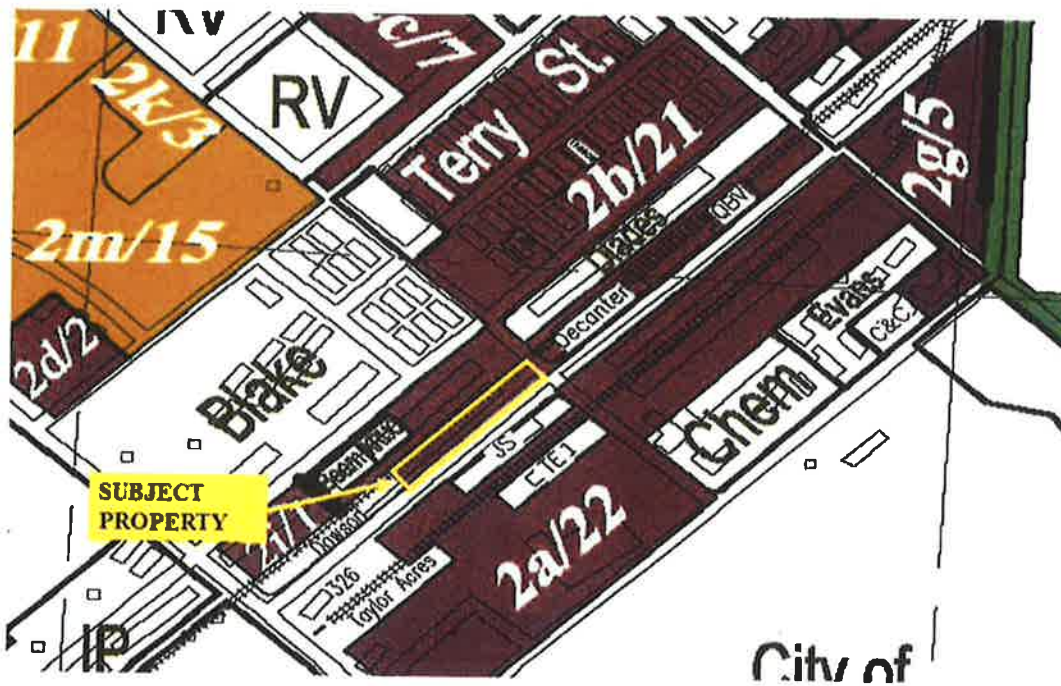
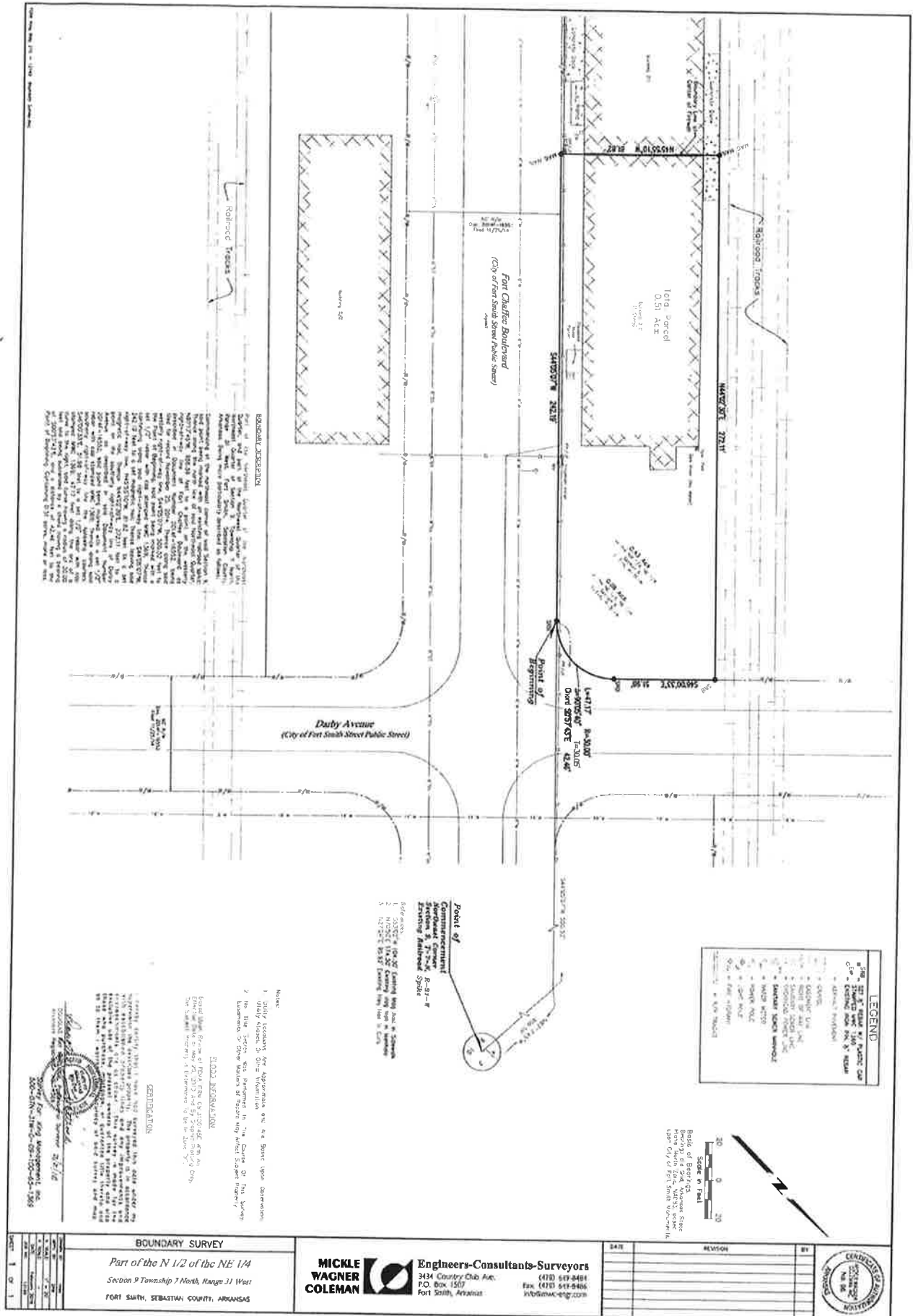
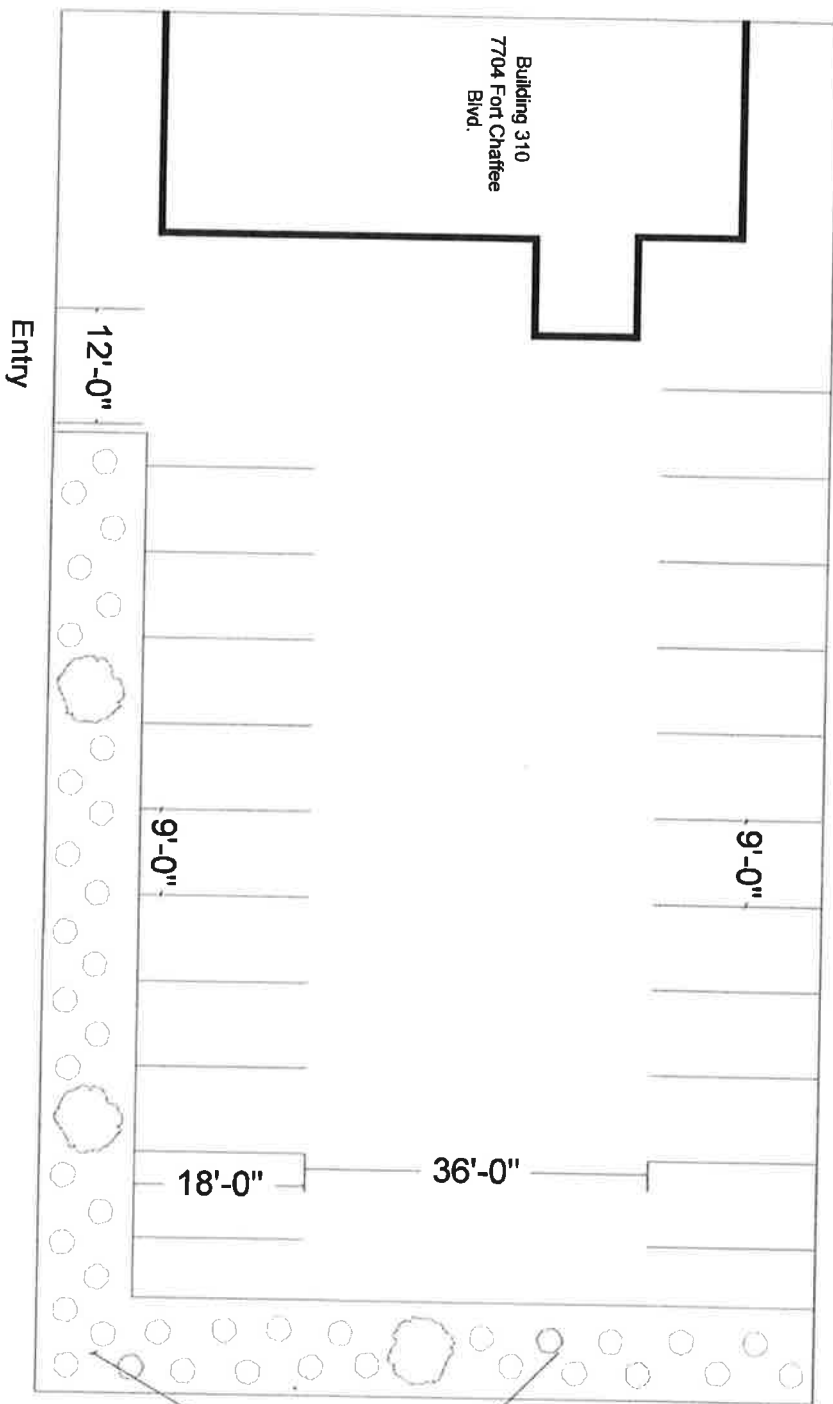


Exhibit "B"
Property Photos







Gravel parking lot
Includes parking bumpers
19 spaces 9' X 18'

Trees @
50' Interval

18" Tall shrubs @ 24" OC

10' Landscaping area

Memo

To: City Planning Commission

From: Planning Staff

Date: March 26, 2019

Re: Huntington Chase Commercial, Phase II (Lots 3, 4 & 5) – Final Plat – Crafton Tull & Associates

SUBDIVISION LOCATION

The property is located on Hutcheson Court and south of Zero Street. The site contains three lots with a total acreage of approximately nine acres.

PROPOSED LAND USES

Approval of the proposed final plat will facilitate future commercial development.

EXISTING ZONING

The property is zoned Commercial Moderate (C-3 SPL). This zoning district allows locations for general commercial activity, offices, and services for the community. This zoning district requires planning commission approval of all development prior to the issuance of a building permit.

PROPOSED LOT SIZE

The lots range in size from 1.83 acres to 4.02 acres and comply with the area and bulk regulations for the C-3 zoning district.

PROPOSED SITE FEATURES

Access – access to lots 3 and 4 will be provided by street extension of Hutcheson Court. Lot 5 is shown as an unbuildable lot and will have access provided via a 24' access easement.

Landscaping – landscaping will be installed upon development of the lots.

Sidewalks – 5' wide sidewalks are proposed on both sides of Hutcheson Court.

STAFF RECOMMENDATIONS

We recommend approval of the final plat with the following comments:

After all required approvals of the plat and the affixing of all required signatures on the original tracing and other copies and associated documents, the plat will be filed with the Sebastian County Clerk.



Memo

To: City Planning Commission

From: Planning Staff

Date: March 20, 2019

Re: Variance #10-4-19 - A request by Ricky Hill, agent for A.B. Littlefield III, for Board of Zoning Adjustment consideration of a zoning variance from gasoline sales setback requirements to allow a pump island and supportive canopy posts from 20' to 11' and an island canopy overhang from 10' to 2' from a public right-of-way at 3401 Cavanaugh Road

REQUESTED VARIANCE

Approval of the variance will allow an existing gasoline pump canopy at a convenience store to be replaced. The existing canopy was damaged during inclement weather thus causing the need for replacement.

LOT LOCATION AND SIZE

The subject property is located on the west side of Cavanaugh Road at the Cavanaugh Road and Hwy 71 intersection. The tract contains an area of 6.59 acres with approximately 235 feet of street frontage along Cavanaugh Road and 375 of street frontage along Hwy 71.

EXISTING ZONING

The existing zoning on this tract is Commercial Heavy (C-5). Characteristics of this zone are as follows:

Purpose:

To provide adequate locations for retail uses and services that generate moderate to heavy automobile traffic. The C-5 zoning district is designed to facilitate convenient access, minimize traffic congestion, and reduce visual clutter. The C-5 zoning district is appropriate in the General Commercial, Office, Research, and Light Industrial, Mixed Use Residential, and Mixed Use Employment classification of the Master Land Use Plan.

Permitted Uses:

A wide variety of retail uses including clothing stores, specialty shops and restaurants. Commercial-5 zones also allow professional offices and multi-family apartments, community residential facility and neighborhood group homes are examples of permitted uses.

Conditional Uses:

Orphanage, dormitory, sorority, fraternity, auto vehicle impoundment or holding yard, auto body shop, medical laboratory, beer garden, restaurants with outdoor dining, pet cemetery, bus station, utility substations, museum, parks, educational facilities, police station, community food service, nursing home and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 14,000 square feet

Maximum Height - 45 feet (1+1)

Maximum Lot Coverage - 75%

Minimum Parcel/Lot Size for Rezoning –

- New District (By Classification) - 2 acres

- Existing District (By Extension) – 14,000 square feet

Minimum Lot Width – 100 feet

Front Yard Setback - 25 feet

Side Yard on Street Side of Corner Lot - 15 feet

Side Yard Setback – 20 feet

Rear Yard Setback - 20 feet

Side/Rear (adjoining SF Residential District/Development) – 30 feet

Minimum building separation – to be determined by current City building and fire code.

Required street access – Minor Arterial or higher

SURROUNDING ZONING AND LAND USE

The area to the north is zoned Commercial Heavy (C-5) and is developed as a manufactured home and mobile home sales and service.

The area to the east is zoned C-5 and undeveloped.

The area to the south is zoned C-5 and is developed as a truck and tractor rental facility.

The area to the west is zoned I-1-SPL and developed as a contractor's shop and storage yard for a petroleum sales and service.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Cavanaugh Road as a local road and U.S. Hwy 71 as a Boulevard.

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as General Commercial. This classification is intended to provide opportunities for business transactions and activities, and meet the consumer needs of the community.

APPLICANT HARDSHIP

The applicant explains that the existing canopy was damaged due to weather and needs to be replaced. The applicant further states that demolishing and relocating the canopy and gas pumps would cause an undue hardship.

NEIGHBORHOOD MEETING

The applicant submitted a request to the Planning Department to waive the neighborhood meeting and the request was approved. UDO Section 27-337-5 allows the Director to waive meetings when the proposed variance will allow development in compliance with the surrounding area and the request represents a minor change to the development requirements that will have little or no effect on the surrounding properties.

GRANTING OF A VARIANCE

If the BZA approves this variance, staff requests that it substantiate its reason for approval in accordance with Section 27-337-2 of the Unified Development Ordinance, which permits the granting of a variance only when it is demonstrated that such action is in keeping with the spirit and intent of the provisions of the zoning chapter.

STAFF COMMENTS

The applicant proposes to only replace the existing, damaged canopy with a new canopy. There will be no change in the size or location of the canopy. In staff's opinion, approval of the variance would have no impact on surrounding properties.

STAFF RECOMMENDATIONS

The existing canopy is a "Nonconforming Structure" because it does not meet the setback requirements for a gas pump island and canopy structure. Section 27-118-3 of the Fort Smith Municipal Code / UDO states that a nonconforming structure may continue until destroyed or damaged. If a nonconforming structure is destroyed or damaged to the extent that the cost of repair is more than fifty (50) percent of the value of the structure then five (5) conditions must be met including a conditional use permit approved by the Planning Commission. A copy of section 27-118-3 is attached behind this report.

The disadvantage for the property owner is that the conditional use process is for the single incident. The structure remains nonconforming. Should subsequent disasters occur and the canopy had to be replaced then another conditional use approval would be required.

Staff often recommends another option in lieu of the conditional use via section 27-118-3. The second option is for property owners to request a variance for the nonconforming structure. With an approved variance the structure becomes conforming. This would allow permits to replace the structure at any future time as if the structure was conforming.

The Planning staff do not see any negative issues with the variance being approved and allowing the gas pump canopy continue in its present location.

27-118-3 Nonconforming Structure

- A.** A nonconforming structure may continue until destroyed or damaged.
- B.** A nonconforming structure that is destroyed or damaged to the extent that the cost of repair is more than fifty (50) percent of the value of the structure after repair shall not be rebuilt unless all of the following conditions are met:
 - 1. A conditional use application is presented to the Planning Commission in accordance with section 27-332 of this chapter;
 - 2. The conditional use is approved by the Planning Commission;
 - 3. Construction is completed within one (1) year from the date of the loss; the determination of "cost of repair" shall be based on the anticipated cost of repair performed by a contractor in the ordinary course of the construction industry, and the determination of the "value of the structure after repair" shall not include real property value. Both determinations shall be made by the Director;
 - 4. It shall be adapted for the same use as the previous structure or a permitted use in the zoning district in which it is located;
 - 5. The structure as built shall not exceed the bulk and area characteristics of the previous structure or the bulk and area regulations set forth for the zoning district in which it is located;
 - 6. Provided, a maximum time extension not to exceed sixty (60) calendar days may be granted upon written application of the owner to the director of planning, provided substantial progress has been made to repair the structure.
- C.** A nonconforming structure may be remodeled and/or enlarged within the limits of the bulk and area regulations of the zoning district in which it is located, provided such remodeling and/or enlarging does not increase any existing zoning violations.
- D.** A nonconforming structure shall be maintained in a structurally safe condition, and any nonconforming structure not maintained in a structurally safe condition shall be deemed to be dilapidated. A dilapidated nonconforming structure may no longer be used as such and shall be subject to the enforcement provisions of other city ordinances and codes.

APPLICATION FOR VARIANCE

Notice is hereby given that the undersigned, as owner(s) of the following property in the Fort Smith District of Sebastian County, Arkansas, to-wit: (Legal Description)

540 Commercial Park, Lot 5

Address of property 3401 Cavanaugh Road, Existing or Proposed

Zoning Classification Industrial Light (I-1), has filed with the Planning Department a written application pursuant to Section 27-337 of the City of Fort Smith's Unified Development Ordinance to secure a variance from the literal provisions of the zoning chapter as follows:

<u>Office Use Only-List the Specific Variance Requested and Applicant Stated Hardship</u>

FROM

TO

- | | | | |
|---------------------|---|-------------------|--|
| <u> </u> | - | <u> </u> | Front Yard Setback or Minimum Distance from Right-of-Way |
| <u> </u> | - | <u> </u> | Exterior Side Yard Setback |
| <u> </u> | - | <u> </u> | Interior Side Yard Setback |
| <u> </u> | - | <u> </u> | Rear Yard Setback |
| <u> </u> | - | <u> </u> | Maximum Height of Structure |
| <u> </u> | - | <u> </u> | Minimum Distance Between Structures on the Same Lot |
| <u> </u> | - | <u> </u> | Minimum Lot Area (Square Feet) |
| <u> </u> | - | <u> </u> | Minimum Lot Frontage |
| <u> </u> | - | <u> </u> | Maximum Size of a Sign |
| <u>27-404(C)(7)</u> | - | <u> </u> | Other: <u>To allow a gasoline pump island and supportive canopy posts from 20' to 11' and an island canopy overhang from 10' to 2' from a public right-of way.</u> |

The undersigned will present said application to the Board of Zoning Adjustment at the first regular City Planning Commission meeting following the expiration of seven (7) days from the date of this publication, at which meeting the Board of Zoning Adjustment will conduct a public hearing on said application. All interested persons are invited to attend and are entitled to be heard. This notice is published this _____ day of _____, 20____.

Signed:

A. B. Littlefield III
Owner or Agent Name (please print)


Owner

or

479-632-3565
Owner or Agent Phone Number

Ricky Hill
Agent

P.O. Box 640 Alma AK 99521
Owner or Agent Mailing Address

VARIANCE INFORMATION FORM

The following paragraph (Section 27-337-2) of the Fort Smith Unified Development Ordinance defines the criteria for granting a variance:

The Board of Zoning Adjustment shall hear requests for variances from the literal provision of the zoning chapter in instances where strict enforcement of the zoning chapter would cause undue hardship due to circumstances unique to the individual property under consideration, and shall grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning chapter. The Board of Zoning Adjustment shall not permit, as a variance, any use in a zone that is not permitted under the chapter. The Board of Zoning Adjustment may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

1. To aid the Board of Zoning Adjustment in arriving at a decision on your application, please note the lot information requested and check the appropriate answer to each of the questions that follow.

<u>Yes</u>	<u>No</u>	
_____	<u>X</u>	Is this variance needed because of previous actions taken by yourself?
<u>X</u>	_____	Is this variance needed because of previous actions taken by a prior owner?
_____	<u>X</u>	A zoning hardship is present only when a property has no reasonable use without a variance. Do you have use of your property without a variance?
<u>X</u>	_____	Is the variance needed due to the unique circumstances of the property (such as lot area, lot width, setbacks, yard requirements, or building height)? If yes, please explain on the following page.
_____	<u>X</u>	Is the lot of an odd or unusual shape?
_____	<u>X</u>	Does the lot have "radical" topography (steep, unbuildable slopes - streams or bodies of water - unstable or eroded area)?
_____	<u>X</u>	Does the lot contain required easements other than those that might be located on its perimeter?
_____	<u>X</u>	Is any part of the lot in a flood plain or flood way?
_____	<u>X</u>	Is the lot smaller than minimum lot area or minimum frontage for its zoning classification?
_____	<u>X</u>	Is the lot developed with structures in violation of current zoning requirements?
_____	<u>X</u>	Does the lot front any street classified as an arterial or collector on the Master Street Plan?

Explanation of question #4 (if applicable)

Replacement of an existing canopy over gas pumps. The canopy was on the property when it was purchased

2. Describe how the strict enforcement of the zoning code causes an undue hardship for your project:

The canopy was pre-existing and due to weather conditions was damaged. We are now forced
to replace the canopy and it would cause a hardship to demolish the existing gas pumps and
rebuild within the set back requirements.

3. List any special circumstances/conditions which exist that have not been created by the owner/applicant and do not apply to other properties in your area:

N/A

LETTER REGARDING RESTRICTIVE COVENANTS

Restrictive covenants are regulations that are maintained and enforced by the property owners of the subject subdivision. These covenants may be found in your abstract or at the County Circuit Clerks Office. Restrictive covenants are often enforced in subdivisions with homeowner's associations and can always be more restrictive but never less restrictive than the City of Fort Smith's Zoning Regulations. *(See attached additional information on restrictive covenants)*

TO: Planning Department

SUBJECT: Legal Description of Property

See Attached

I have searched all applicable records, and to my best knowledge and belief, there are no restrictive covenants running with the above described land, except as follows:

None to my knowledge

AUTHORIZATION OF AGENT

If an agent (i.e., contractor) is acting on behalf of the owner(s), all owners must sign in the space provided. This form is necessary only when the person representing this request does not own all the property.

We the undersigned, being owners of real property, and requesting a variance by application do hereby authorize Ricky Hill to act as our agent in the matter.
(Print Name of Agent)

(Type or clearly print)

NAMES OF ALL OWNERS.

SIGNATURE OF ALL OWNERS.

1. A B. Littlefield III

[Signature]

2. _____

3. _____

4. _____

5. _____

6. _____

7. _____

8. _____

9. _____

10. _____

11. _____

12. _____

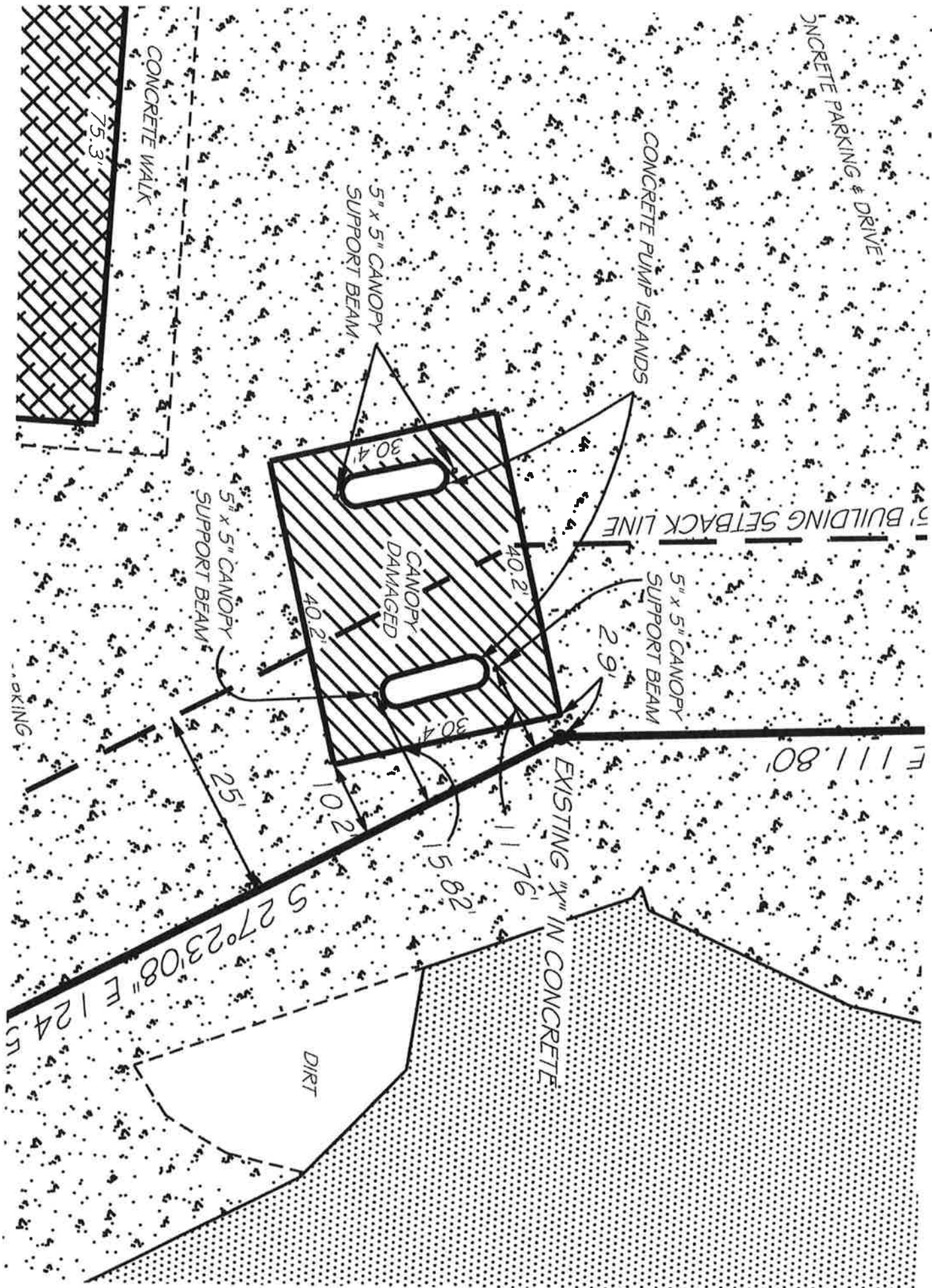
13. _____

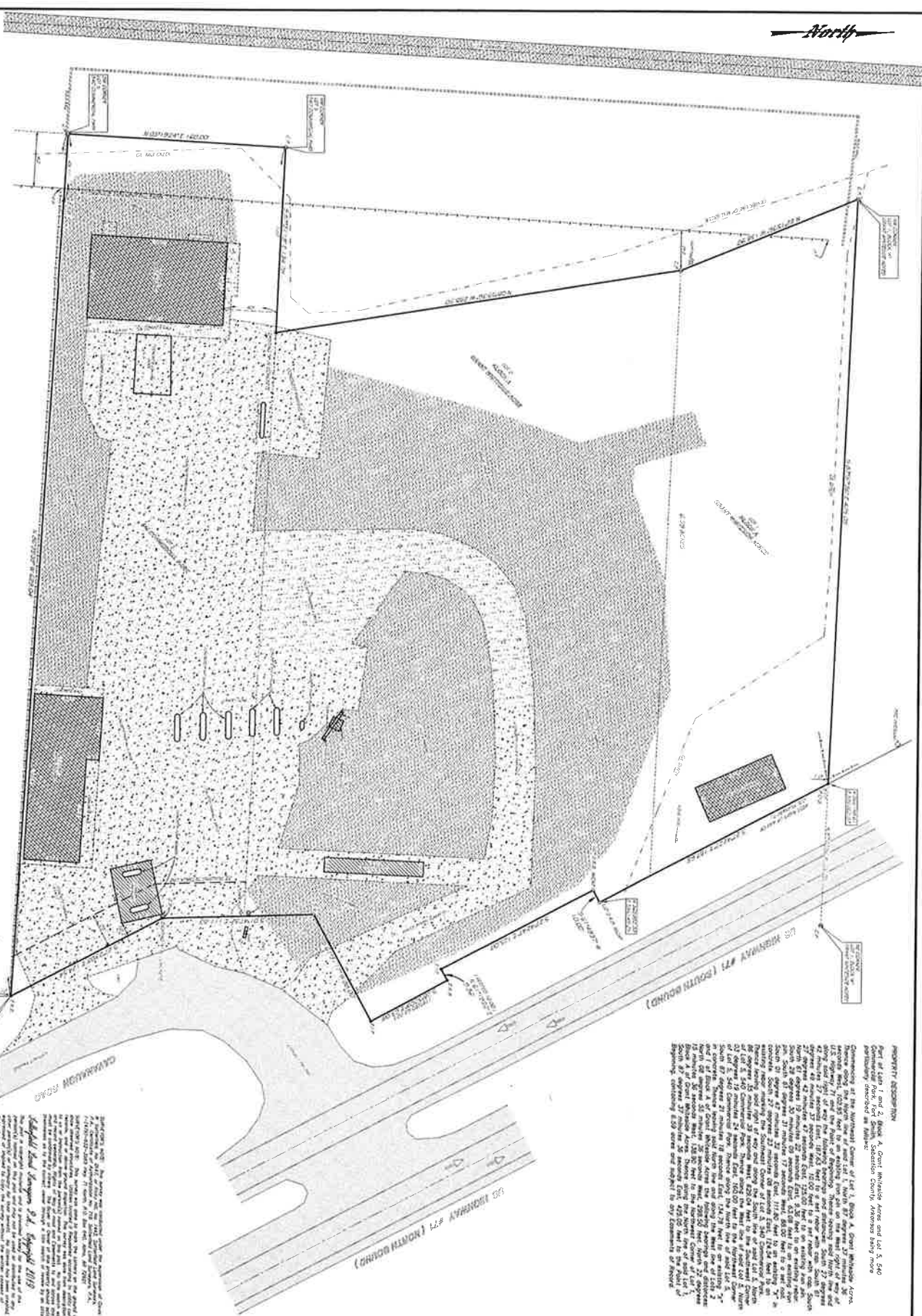
This form is necessary only when the person representing this request does not own all the property.

Variance

3401 Cavanaugh Road





[illegible]

Colloidal Gold Nanoparticles of Au, Synthesized 2019

There are a number of different methods for the synthesis of gold nanoparticles. The most common method is the reduction of gold ions in the presence of a reducing agent. Other methods include the use of gold salts, gold metal, and gold metal complexes. The size and shape of the nanoparticles can be controlled by the choice of reagents and reaction conditions. Gold nanoparticles have a wide range of applications, including in catalysis, medicine, and electronics.

SURVEYORS' DISCLAIMER AND STATEMENT OF USE

This survey was conducted by the written or verbal authorization of the person named on the buyer and/or the file by us as shown on this plot. No one has the authority to use the data or legal description from this survey except those named or their agents and the survey is only certified to the data shown on this plot. This plot is protected by copyright and any person other than those named cannot copy or use upon this plot without our written permission. **59** Surveyors, P.A. will not be responsible for the accuracy or reliability to any other person or company who uses this plot for any other authorization. After filing with State Surveyor's office, survey becomes public record.

PROPERTY ADDRESS: 2424 CHAMBERLAIN RD, PORT SMITH, ALABAMA 36566
 SECTION: 1 COUNTY: JOHNSON
 SURVEY OF PART OF

LOTS 1 & 2, BLOCK A, GRANT WHITESIDE ACRES &
 LOT 5, COMMERCIAL PARK, PORT SMITH, AR

FOR SALE BY: COUNTRY CLUB HOMES

Owner: B. C. W. P.	
Acres: 1.00	
Size: 20.19	
Year: 1976	

Waterfield Land Item 3

SEE AKA & L
 1976-1977 31 NORTH ALMA AVE. PHONE NO. (205) 832-5563

Memo

To: City Planning Commission

From: Planning Staff

Date: March 21, 2019

Re: Variance #12-4-19 - A request by Neal Morrison, agent for Marion Driscoll, for Board of Zoning Adjustment consideration of a zoning variance request from 20 feet to 7 feet interior side-yard setback located at 7111 Phoenix Avenue

REQUESTED VARIANCE

Approval of the variance will allow a 7' interior side-yard setback for an approximate 20' x 14' storage building associated with a hotel development.

LOT LOCATION AND SIZE

The subject property is on the north side of Phoenix Avenue between South 70th Street and South 74th Street. The tract contains an area of 2.5 acres with approximately 257 feet of street frontage along Phoenix Avenue.

EXISTING ZONING

The existing zoning on this tract is Commercial Heavy (C-5). Characteristics of this zone are as follows:

Purpose:

To provide adequate locations for retail uses and services that generate moderate to heavy automobile traffic. The C-5 zoning district is designed to facilitate convenient access, minimize traffic congestion, and reduce visual clutter. The C-5 zoning district is appropriate in the General Commercial, Office, Research, and Light Industrial, Mixed Use Residential, and Mixed Use Employment classification of the Master Land Use Plan.

Permitted Uses:

A wide variety of retail uses including clothing stores, specialty shops and restaurants. Commercial-5 zones also allow professional offices and multi-family apartments, community residential facility and neighborhood group homes are examples of permitted uses.

Conditional Uses:

Orphanage, dormitory, sorority, fraternity, auto vehicle impoundment or holding yard, auto body shop, medical laboratory, beer garden, restaurants with outdoor dining, pet cemetery, bus station, utility substations, museum, parks, educational facilities, police station, community food service, nursing home and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 14,000 square feet

Maximum Height - 45 feet (1+1)

Maximum Lot Coverage - 75%

Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres

Existing District (By Extension) – 14,000 square feet

Minimum Lot Width – 100 feet

Front Yard Setback - 25 feet

Side Yard on Street Side of Corner Lot - 15 feet

Side Yard Setback – 20 feet

Rear Yard Setback - 20 feet

Side/Rear (adjoining SF Residential District/Development) – 30 feet

Minimum building separation – to be determined by current City building and fire code.

Required street access – Minor Arterial or higher

SURROUNDING ZONING AND LAND USE

The areas to the north and south are zoned C-5 and undeveloped.

The area to the east is zoned Transitional and developed as multifamily.

The area to the west is zoned C-2 SPL and C-5 and developed with offices, a hotel and a future restaurant.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Phoenix Avenue as a Major Arterial.

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as General Commercial. This classification is intended to provide opportunities for business transactions and activities, and meet the consumer needs of the community.

APPLICANT HARDSHIP

The applicant states that the variance is for a small storage building adjacent to a screened dumpster. The dumpster is allowed to be in the setback area, but the storage building is not. The applicant states that having the dumpster adjacent to the storage building more efficiently meets the operational needs of the proposed hotel.

NEIGHBORHOOD MEETING

The applicant submitted a request to the Planning Department to waive the neighborhood meeting and the request was approved. UDO Section 27-337-5 allows the Director to waive meetings when the proposed variance will allow development in compliance with the surrounding area and the request represents a minor change to the development requirements that will have little or no effect on the surrounding properties. The applicant also sent letters to adjacent property owners with a description of the project and contact information.

GRANTING OF A VARIANCE

If the BZA approves this variance, staff requests that it substantiate its reason for approval in accordance with Section 27-337-2 of the Unified Development Ordinance, which permits the granting of a variance only when it is demonstrated that such action is in keeping with the spirit and intent of the provisions of the zoning chapter.

STAFF COMMENTS

The storage building will comply with the UDO's high-quality materials requirement. In staff's opinion, the location of the storage building will have no impact on surrounding properties.

STAFF RECOMMENDATIONS

Staff recommends approval based on the submitted site plan and compliance with the UDO's high-quality materials requirement.

APPLICATION FOR VARIANCE

Notice is hereby given that the undersigned, as owner(s) of the following property in the Fort Smith District of Sebastian County, Arkansas, to-wit: (Legal Description)

Lot 3D-1, Phoenix Commercial Park Area

Address of property 7111 Phoenix Avenue, Existing or Proposed

Zoning Classification Commercial Heavy, has filed with the Planning Department a written application pursuant to Section 27-337 of the City of Fort Smith's Unified Development Ordinance to secure a variance from the literal provisions of the zoning chapter as follows:

Office Use Only-List the Specific Variance Requested and Applicant Stated Hardship

FROM

TO

	-		Front Yard Setback or Minimum Distance from Right-of-Way
	-		Exterior Side Yard Setback
20'	-	7'	Interior Side Yard Setback
	-		Rear Yard Setback
	-		Maximum Height of Structure
	-		Minimum Distance Between Structures on the Same Lot
	-		Minimum Lot Area (Square Feet)
	-		Minimum Lot Frontage
	-		Maximum Size of a Sign
	-		Other:

The undersigned will present said application to the Board of Zoning Adjustment at the first regular City Planning Commission meeting following the expiration of seven (7) days from the date of this publication, at which meeting the Board of Zoning Adjustment will conduct a public hearing on said application. All interested persons are invited to attend and are entitled to be heard. This notice is published this _____ day of _____, 20____.

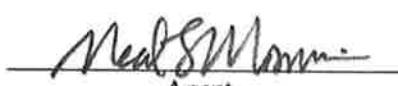
Signed:

Neal Morrison
Owner or Agent Name (*please print*)

479-452-1933
Owner or Agent Phone Number

5704 Euper Lane, Fort Smith, AR, 72903
Owner or Agent Mailing Address

Owner

or

Agent

VARIANCE INFORMATION FORM

The following paragraph (Section 27-337-2) of the Fort Smith Unified Development Ordinance defines the criteria for granting a variance:

The Board of Zoning Adjustment shall hear requests for variances from the literal provision of the zoning chapter in instances where strict enforcement of the zoning chapter would cause undue hardship due to circumstances unique to the individual property under consideration, and shall grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning chapter. The Board of Zoning Adjustment shall not permit, as a variance, any use in a zone that is not permitted under the chapter. The Board of Zoning Adjustment may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

1. To aid the Board of Zoning Adjustment in arriving at a decision on your application, please note the lot information requested and check the appropriate answer to each of the questions that follow.

<u>Yes</u>	<u>No</u>	
_____	<u>X</u>	Is this variance needed because of previous actions taken by yourself?
_____	<u>X</u>	Is this variance needed because of previous actions taken by a prior owner?
<u>X</u>	_____	A zoning hardship is present only when a property has no reasonable use without a variance. Do you have use of your property without a variance?
<u>X</u>	_____	Is the variance needed due to the unique circumstances of the property (such as lot area, lot width, setbacks, yard requirements, or building height)? If yes, please explain on the following page.
<u>X</u>	_____	Is the lot of an odd or unusual shape?
_____	<u>X</u>	Does the lot have "radical" topography (steep, unbuildable slopes - streams or bodies of water - unstable or eroded area)?
_____	<u>X</u>	Does the lot contain required easements other than those that might be located on its perimeter?
_____	<u>X</u>	Is any part of the lot in a flood plain or flood way?
_____	<u>X</u>	Is the lot smaller than minimum lot area or minimum frontage for its zoning classification?
_____	<u>X</u>	Is the lot developed with structures in violation of current zoning requirements?
<u>X</u>	_____	Does the lot front any street classified as an arterial or collector on the Master Street Plan?

Explanation of question #4 (if applicable)

The variance request is for a small accessory structure adjacent to the dumpster screening. The dumpster is allowed to be in the setback area, but the accessory structure is not. However, having the dumpster adjacent to its accessory structure more efficiently meets the operational needs of the proposed hotel.

2. Describe how the strict enforcement of the zoning code causes an undue hardship for your project:

Strict enforcement of the zoning code will require that the dumpster and its accessory structure be moved to an interior location on the lot, making it more visible to the patrons, and less accessible to the sanitation service provider.

3. List any special circumstances/conditions which exist that have not been created by the owner/applicant and do not apply to other properties in your area:

LETTER REGARDING RESTRICTIVE COVENANTS

Restrictive covenants are regulations that are maintained and enforced by the property owners of the subject subdivision. These covenants may be found in your abstract or at the County Circuit Clerks Office. Restrictive covenants are often enforced in subdivisions with homeowner's associations and can always be more restrictive but never less restrictive than the City of Fort Smith's Zoning Regulations. *(See attached additional information on restrictive covenants)*

TO: Planning Department

SUBJECT: Legal Description of Property

Lot 3D-1, Phoenix Commercial Park Area

I have searched all applicable records, and to my best knowledge and belief, there are no restrictive covenants running with the above described land, except as follows:

None

AUTHORIZATION OF AGENT

If an agent (i.e., contractor) is acting on behalf of the owner(s), all owners must sign in the space provided. This form is necessary only when the person representing this request does not own all the property.


We the undersigned, being owners of real property, and requesting a variance by application do hereby authorize Neal Morrison to act as our agent in the matter.
(Print Name of Agent)

(Type or clearly print)

NAMES OF ALL OWNERS.

1. Marion Driscoll
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____

SIGNATURE OF ALL OWNERS.



This form is necessary only when the person representing this request does not own all the property.







NO.	DATE	BY	REVISION
1	10/23/18		

Holiday Inn Express & Suites
FORT SMITH, AR
PERMIT NO. —
10/23/18

JSA
ARCHITECTS
2725 E. DUNE DRIVE, SUITE 303
FORT SMITH, AR 72309
501.640.6800
JSA@JSAARCHITECTS.COM
JSA ARCHITECTS
AIA, NCARB
ARCHITECTS LICENSE # 1071

THESE DRAWINGS ARE PREPARED BY JSA ARCHITECTS FOR THE PROJECT AND ARE NOT TO BE REPRODUCED OR USED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF JSA ARCHITECTS.

Memo

To: City Planning Commission

From: Planning Staff

Date: March 25, 2019

Re: Variance #11-4-19 - A request by Ron Brixey, agent for Jeff Finwick, for Board of Zoning Adjustment consideration of a zoning variance request from: 1) the minimum requirements for street access; and 2) Section 27-602-3(B)(C) perimeter landscaping and parking lot screening at 1901 Boston Street

REQUESTED VARIANCE

Approval of the requested variances along with the companion rezoning and conditional use applications will allow for the reuse of the existing building as a salon.

LOT LOCATION AND SIZE

The subject property is on the north side of Boston Street just west of Jenny Lind Road. The tract contains an area of 0.17 acres with approximately 88 feet of street frontage along Boston Street.

PROPOSED ZONING

The proposed zoning on this tract is Commercial Neighborhood (C-1). Characteristics of this zone are as follows:

Purpose:

To provide small scale areas for limited office, professional service, and local retail businesses designed in scale with surrounding residential land uses. The C-1 zoning district encourages the incorporation of compatible neighborhood commercial uses in close proximity to residential uses for easy and convenient accessibility and the promotion of pedestrian-oriented development. C-1 zoning is appropriate in the Commercial Neighborhood, General Commercial, Mixed Use Residential, and Mixed Use Employment classification of the Master Land Use Plan.

Permitted Uses:

Computer and software shop, locksmith, bookstore, bridal shop, cameras, photographic supplies and services, gift shop, antique shop, arts and crafts shop, florist shop, hobby shop, grocery store, banking services, pharmacy or drug store, offices, self service laundry, tailor shop, fire and police station are examples of permitted uses.

Conditional Uses:

Bicycle sales and service, art dealers, art studio, galleries, fruit and vegetable store, restaurant, barber shop, salon, tanning salon, mail services, commercial communication towers, amateur radio transmitting towers, utility substation, country club, parks, nursery school, preschool, police station, senior citizen center and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Maximum Lot Size – 21,000 square feet	Maximum Height - 35 feet (1+1)
Maximum Building Size – 30,000 square feet	Maximum Lot Coverage - 60%
Minimum Parcel/Lot Size – New District (By Classification) – 7,000 square feet	
Minimum Parcel/Lot Size – Existing District (By Extension) – 7,000 square feet	
Minimum Lot Width – 50 feet	
Minimum Street Frontage – 20 feet	
Front Yard Setback - 25 feet	
Side Yard on Street Side of Corner Lot - 10 feet	
Side Yard Setback – 10 feet	
Rear Yard Setback - 10 feet	
Minimum building separation – to be determined by current City building and fire code.	
Required street access – Residential Collector or higher	

SURROUNDING ZONING AND LAND USE

The area to the north is zoned Transitional (T) and developed as office buildings.

The area to the east is zoned Transitional (T) and developed as a dentist office, office building, and an insurance office.

The area to the south is zoned Transitional (T) and developed as a single family residence.

The area to the west is zoned Residential Multifamily Medium Density (RM-3) and is undeveloped.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Boston Street as a Local Road.

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as COMMERCIAL NEIGHBORHOOD. This classification is to provide convenience goods and services in a residentially compatible design, for surrounding neighborhoods, and to provide appropriate uses for sites on arterials and collectors unsuitable for residential development due to lot configuration, safety and noise.

APPLICANT HARDSHIP

The applicant states that the existing parking lot area will provide the minimum required number of parking spaces if a variance is granted to eliminate the perimeter landscaping and the parking

lot screening along the street right-of-way. Regarding the street access variance, the applicant states that the proposed C-1 zoning will allow the use as a Conditional Use but requires access from a Collector Street or higher and Boston Street is classified as a Local Road.

NEIGHBORHOOD MEETING

A neighborhood meeting was held Thursday, March 28, 2019, at 1901 Boston Street. No surrounding property owners attended the meeting.

GRANTING OF A VARIANCE

If the BZA approves the variances, staff requests that it substantiate its reason for approval in accordance with Section 27-337-2 of the Unified Development Ordinance, which permits the granting of a variance only when it is demonstrated that such action is in keeping with the spirit and intent of the provisions of the zoning chapter.

STAFF COMMENTS AND RECOMMENDATIONS

A new parking lot is proposed for the salon. To meet the minimum parking requirements for the salon, the entire area shown on the site plan is needed for the parking. As a result, there is no space for perimeter landscaping and parking lot screening. However, in lieu of perimeter landscaping/parking lot screening in front of the new parking area, the applicant proposes to remove existing concrete and install a 10' wide landscape buffer with trees and shrubbery east of the proposed parking area.

Regarding the variance to allow access on a local street, the number of vehicles entering and exiting the site will not negatively impact the area. The traffic generated by the proposed small salon will be similar to the traffic that was generated by the property when it was utilized as professional offices.

STAFF RECOMMENDATIONS

If the BZA is inclined to approve the variances, staff recommends approval based on the submitted site plan.

APPLICATION FOR VARIANCE

Notice is hereby given that the undersigned, as owner(s) of the following property in the Fort Smith District of Sebastian County, Arkansas, to-wit: (Legal Description)

Address of property 1901 South Boston, Existing or Proposed

Zoning Classification C-1 (Commercial Neighborhood Compatible), has filed with the Planning Department a written application pursuant to Article 5-6 of Ordinance 2324 of the City of Fort Smith, Arkansas, to secure a variance from the literal provisions of the zoning ordinance as follows:

Office Use Only-List the Specific Variance Requested and Applicant Stated Hardship

FROM

TO

- | | | |
|----------|---|--|
| <u>X</u> | - | <u> </u> Front Yard Setback or Minimum Distance from Right-of-Way |
| <u>X</u> | - | <u> </u> Exterior Side Yard Setback |
| <u>X</u> | - | <u> </u> Interior Side Yard Setback |
| <u>X</u> | - | <u> </u> Rear Yard Setback |
| <u>X</u> | - | <u> </u> Maximum Height of Structure |
| <u>X</u> | - | <u> </u> Minimum Distance Between Structures on the Same Lot |
| <u>X</u> | - | <u> </u> Minimum Lot Area (Square Feet) |
| <u>X</u> | - | <u> </u> Minimum Lot Frontage |
| <u>X</u> | - | <u> </u> Maximum Size of a Sign |

Street Access

Other: Access is to a Local Street - Res. Collector or higher Req.

Section 27-602-3(B)(C) - Perimeter Landscaping/Parking Lot Screening

The undersigned will present said application to the Board of Zoning Adjustment at the first regular City Planning Commission meeting following the expiration of seven (7) days from the date of this publication, at which meeting the Board of Zoning Adjustment will conduct a public hearing on

said application. All interested persons are invited to attend and are entitled to be heard. This notice is published this _____ day of _____, 20____.

Signed:

Ron Brixey
Owner or Agent Name (*please print*)

479-646-6394
Owner or Agent Phone Number

5223 E. Hwy. 45, Fort Smith, Ar. 72916
Owner or Agent Mailing Address

Owner
or
Ron Brixey
Agent

Variance # _____

VARIANCE INFORMATION FORM

The following paragraph (Section 27-337-2) of the Fort Smith Unified Development Ordinance defines the criteria for granting a variance:

The Board of Zoning Adjustment shall hear requests for variances from the literal provision of the zoning chapter in instances where strict enforcement of the zoning chapter would cause undue hardship due to circumstances unique to the individual property under consideration, and shall grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning chapter. The Board of Zoning Adjustment shall not permit, as a variance, any use in a zone that is not permitted under the chapter. The Board of Zoning Adjustment may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

1. To aid the Board of Zoning Adjustment in arriving at a decision on your application, please note the lot information requested and check the appropriate answer to each of the questions that follow.

<u>Yes</u>	<u>No</u>	
_____	<u>X</u>	Is this variance needed because of previous actions taken by yourself?
_____	<u>X</u>	Is this variance needed because of previous actions taken by a prior owner?
<u>X</u>	_____	A zoning hardship is present only when a property has no reasonable use without a variance. Do you have use of your property without a variance?
<u>X</u>	_____	Is the variance needed due to the unique circumstances of the property (such as lot area, lot width, setbacks, yard requirements, or building height)? If yes, please explain on the following page.
_____	<u>X</u>	Is the lot of an odd or unusual shape?
_____	<u>X</u>	Does the lot have "radical" topography (steep, unbuildable slopes - streams or bodies of water - unstable or eroded area)?
_____	<u>X</u>	Does the lot contain required easements other than those that might be located on its perimeter?
_____	<u>X</u>	Is any part of the lot in a flood plain or flood way?
_____	<u>X</u>	Is the lot smaller than minimum lot area or minimum frontage for its zoning classification?
_____	<u>X</u>	Is the lot developed with structures in violation of current zoning requirements?
_____	<u>X</u>	Does the lot front any street classified as an arterial or collector on the Master Street Plan?

Explanation of question #4 (if applicable)

The parking lot area will provide only the required number of parking spaces if a
Variance is granted to eliminate the Perimeter/Parking Lot Landscaping/ Screening along
the street right of way.

2. Describe how the strict enforcement of the zoning code causes an undue hardship for your project:

The current zoning does not allow the proposed use. The Proposed zoning will allow the use
as a Conditional Use but requires access from a collector street. Boston Street is a Local Street.

3. List any special circumstances/conditions which exist that have not been created by the owner/applicant and do not apply to other properties in your area:

None

AUTHORIZATION OF AGENT

If an agent (i.e., contractor) is acting on behalf of the owner(s), all owners must sign in the space provided. This form is necessary only when the person representing this request does not own all the property.

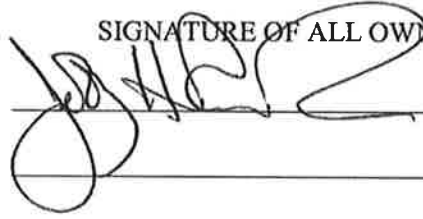
We the undersigned, being owners of real property, and requesting a variance by application do hereby authorize Ron Brixey to act as our agent in the matter.
(Print Name of Agent)

(Type or clearly print)

NAMES OF ALL OWNERS.

1. Jeff Fenwick
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____

SIGNATURE OF ALL OWNERS.



This form is necessary only when the person representing this request does not own all the property.

SURVEY DESCRIPTION:

Part of the South Half (S/2) of the Northeast Quarter (NE/4) of the Northeast Quarter (NE/4) of the Northwest Quarter (NW/4) of Section 28, Township 8 North, Range 32 West, Sebastian County, Arkansas being more particularly described as follows:

Commencing at the Northeast corner of said S/2 of the NE/4 of the NE/4 of the NW/4; thence N $86^{\circ}48'19''$ W, 25.00 feet; thence; thence S $03^{\circ}15'29''$ W, 314.37 feet; thence N $86^{\circ}55'23''$ W, 177.63 feet to a found punch mark in concrete being the Point of Beginning; thence N $86^{\circ}52'36''$ W, 88.55 feet to a found "X" in concrete; thence N $03^{\circ}12'45''$ E, 84.24 feet to a found iron pin; thence S $86^{\circ}47'49''$ E, 88.51 feet to a found concrete nail; thence S $03^{\circ}10'47''$ W, 84.12 feet to the point of beginning, containing 0.17 acres more or less being subject to existing rights of way and easements of record.

Variance #11-4-19: From the required street access of residential collector or higher and from Section 27-602-3(B)(C) perimeter and parking lot screening at 1901 Boston Street



Variance, Rezoning and Conditional Use
1901 Boston Street





OWNER AND DEVELOPER:
JEFF FEWICK
1815 DODSON AVENUE
FORT SMITH, AR 72501
479-650-9904

1" = 500'

FLOOD ZONE STATEMENT
THE PROJECT IS LOCATED IN ZONE X-1 BEING OUTSIDE THE 500 YEAR FLOOD ZONE AS SHOWN ON THE FIRM MAP NO. 05131C01105, DATED MARCH 2, 2012.

BASE OF ELEVATION: Old North as determined by GSA observation

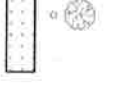


SURVEYOR'S CERTIFICATE
I, Ronald N. Brixy, hereby certify that this plat correctly represents a boundary survey of the subject property based upon record data.

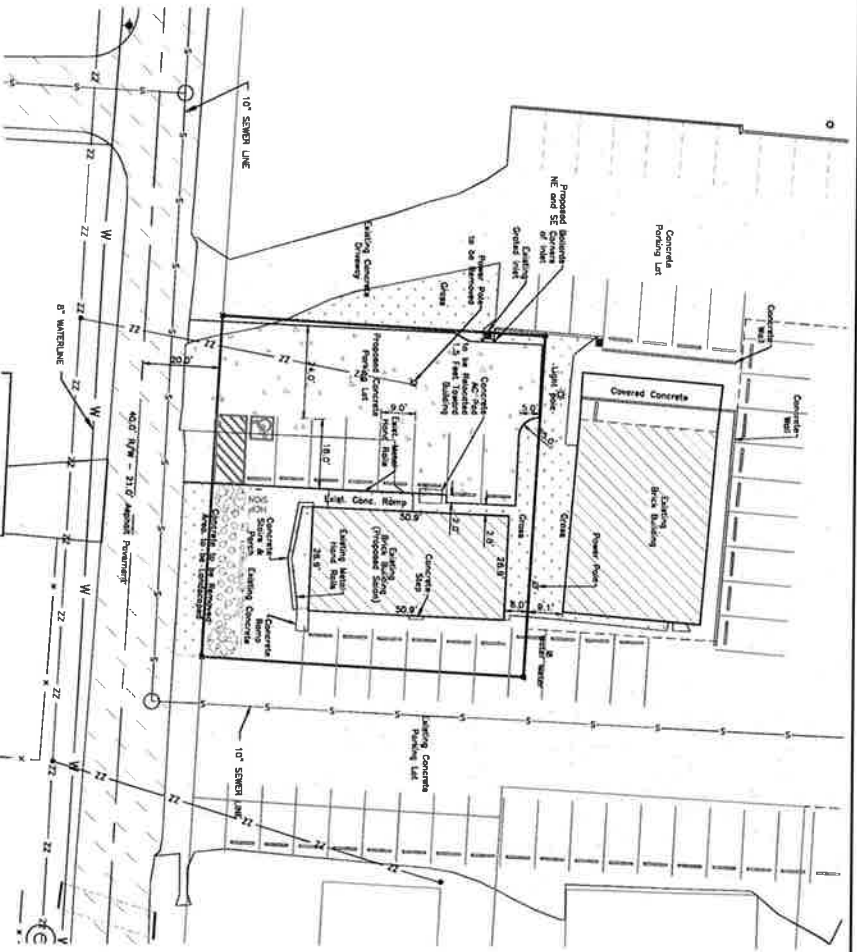
SURVEY DESCRIPTION:

Port of the South half (S/2) of the Northeast Quarter (NE/4) of the Northeast Quarter (NE/4) of the Northwest Quarter (NW/4) of Section 28, Township 8 North, Range 32 West, Sebastian County, Arkansas being more particularly described as follows:
Commencing at the Northeast corner of said S/2 of the NE/4 of the NE/4 of the NW/4; thence N 85°48'19" W, 25.00 feet; thence: thence S 03°15'29" W, 314.37 feet; thence N 85°52'23" W, 177.63 feet to a found punch mark in concrete being the Point of Beginning; thence N 85°52'35" W, 88.55 feet to a found iron pin; thence S 85°47'49" E, 88.51 feet to a found concrete nail; thence S 03°10'47" W, 84.12 feet to the point of beginning, containing 0.17 acres more or less being subject to existing rights of way and easements of record.

PROPOSED LANDSCAPING/SCREENING
> 2' RED MAPLE TREE
MIN. 24" BURFORD HOLLY SHRUBS



INTERIOR PARKING
Station - 3 Operator Stations @ 2 Spaces per Station = 6 Spaces Required
3 Employees @ 1 Space per 2 employees = 1.5 Spaces Required
Total Spaces Required = 6 + 1.5 = 7.5 - 8 Spaces Provided



CERTIFICATION
I, Ronald Brixy, hereby certify by my signature and seal that the survey was conducted in accordance with the standards of the City of Fort Smith, Arkansas Unified Development Ordinance (Ordinance No. 36-08) as adopted on May 19, 2009, including subsequent revisions and additions to code.

TRASH COLLECTION
ALL WASTE AND TRASH WILL BE COLLECTED AND KEPT INDOORS EXCEPT ON TRASH PICKUP DAYS.

EXTERIOR LIGHTING
ALL EXTERIOR LIGHTING WILL COMPLY WITH UDO SECTION 27-602-5.

SIGNAGE
ALL PROPOSED SIGNS WILL BE PERMITTED SEPARATELY

BRIXEY ENGINEERING & LAND SURVEYING, INC.
CONSULTING ENGINEERS -- LAND SURVEYORS
6223 East Highway 46 P.O. Box 6960 Fort Smith, Arkansas 72508 (479) 646-0364



Residence	4/20/18 - Landscaping Model



DEVELOPMENT PLAN
PART OF THE S/2, NE/4, NE/4, NW/4
SECTION 28, T-8-N, R-32-W
CITY OF FORT SMITH
SEBASTIAN COUNTY, ARKANSAS

Date: 3/27/2018	Drawn By: NIB
Approved:	Job No. 18-0217
Sheet:	
Total:	



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This drawing is the property of Brixey Engineering & Land Surveying, Inc. and is not to be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Brixey Engineering & Land Surveying, Inc.

March 29 2019

MINUTES OF NEIGHBORHOOD MEETING
1900 BOSTON STREET
FORT SMITH, ARKANSAS

On March 28, 2019 at 4:00 p.m. a Neighborhood meeting was held at 1901 Boston Street, being the subject property, to allow the neighboring property owners the opportunity to ask questions and to comment on a proposed Petition for Change in Zoning from "Transitional" to "Commercial Neighborhood Compatible", a Request for a Variance from the Commercial zoning requirement that the property access be from a Collector street (Boston Street is classified as a Local street), and a Request for Variance from the requirement for perimeter landscaping and parking lot screening. The developer has also submitted an Application for Conditional Use due to the proposed use being listed as conditional under the proposed zoning. As a part of the Conditional Use request, the proposed Development Plan has also been submitted for review.

Two people were in attendance.. Jeff Fenwick, the owner, presided. Rebecca Aird represented Brixey Engineering & Land Surveying, Inc. The City was not represented.

Mr. Fenwick and Rebecca Aird waited for additional attendees until 4:25 at which time the meeting was adjourned.

Memo

To: City Planning Commission

From: Planning Staff

Date: March 25, 2019

Re: Rezoning #6-4-19 - A request by Ron Brixey, agent for Jeff Finwick, for Planning Commission consideration of a rezoning request from Transitional (T) to Commercial Neighborhood (C-1) by classification at 1901 Boston Street

PROPOSED ZONING

Approval of the requested rezoning will allow for the reuse of the existing building as a salon.

LOT LOCATION AND SIZE

The subject property is on the north side of Boston Street just west of Jenny Lind Road. The tract contains an area of 0.17 acres with approximately 88 feet of street frontage along Boston Street.

REQUESTED ZONING

The proposed zoning on this tract is Commercial Neighborhood Compatible (C-1). Characteristics of this zone are as follows:

Purpose:

To provide small scale areas for limited office, professional service, and local retail businesses designed in scale with surrounding residential land uses. The C-1 zoning district encourages the incorporation of compatible neighborhood commercial uses in close proximity to residential uses for easy and convenient accessibility and the promotion of pedestrian-oriented development. C-1 zoning is appropriate in the Commercial Neighborhood, General Commercial, Mixed Use Residential, and Mixed Use Employment classification of the Master Land Use Plan.

Permitted Uses:

Computer and software shop, locksmith, bookstore, bridal shop, cameras, photographic supplies and services, gift shop, antique shop, arts and crafts shop, florist shop, hobby shop, grocery store, banking services, pharmacy or drug store, offices, self service laundry, tailor shop, fire and police station are examples of permitted uses.

Conditional Uses:

Bicycle sales and service, art dealers, art studio, galleries, fruit and vegetable store, restaurant, barber shop, salon, tanning salon, mail services, commercial communication towers, amateur radio transmitting towers, utility substation, country club, parks, nursery school, preschool,

police station, senior citizen center and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations – Commercial Neighborhood Compatible (C-1):

Maximum Lot Size – 21,000 square feet	Maximum Height - 35 feet (1+1)
Maximum Building Size – 30,000 square feet	Maximum Lot Coverage - 60%
Minimum Parcel/Lot Size – New District (By Classification) – 7,000 square feet	
Minimum Parcel/Lot Size – Existing District (By Extension) – 7,000 square feet	
Minimum Lot Width – 50 feet	
Minimum Street Frontage – 20 feet	
Front Yard Setback - 25 feet	
Side Yard on Street Side of Corner Lot - 10 feet	
Side Yard Setback – 10 feet	
Rear Yard Setback - 10 feet	
Minimum building separation – to be determined by current City building and fire code.	
Required street access – Residential Collector or higher	

EXISTING ZONING

The existing zoning on this tract is Transitional (T). Characteristics of this zone are as follows:

Purpose:

To provide small scale areas for limited office, professional service, and medical services designed in scale with surrounding residential uses. The transitional zoning district applies to the Residential Attached, Institutional, Neighborhood Commercial and General Commercial categories of the Master Land Use Plan.

Permitted Uses:

Single family detached, duplexes, family group home, retirement housing, bridal shop, banking establishments and offices are examples of permitted uses.

Conditional Uses:

Assisted living, bed & breakfast inn, utility substation, country club, park or playground, college, library, primary and secondary school, business professional schools, fire and rescue station, emergency response station, police substation, diagnostic laboratory testing facility, hospital, daycare homes, substance abuse treatment facility, senior citizen center and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 5,000 square feet	Maximum Height - 35 feet (1+1)
Maximum Lot Size – 40,000 square feet	Maximum Lot Coverage - 65%
Minimum Lot Width at Building Line – 50 feet	
Minimum Street Frontage – 50 feet	
Front Yard Setback - 20 feet	
Side Yard on Street Side of Corner Lot - 20 feet	
Side Yard Setback – 5 feet	
Rear Yard Setback - 10 feet	
Minimum building separation – 10 feet (residential), non residential to be determined by current City building and fire code.	

SURROUNDING ZONING AND LAND USE

The area to the north is zoned Transitional (T) and developed as office buildings.

The area to the east is zoned Transitional (T) and developed as a dentist office, office building, and an insurance office.

The area to the south is zoned Transitional (T) and developed as a single family residence.

The area to the west is zoned Residential Multifamily Medium Density (RM-3) and is undeveloped.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Boston Street as a Local Road.

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as COMMERCIAL NEIGHBORHOOD. This classification is to provide convenience goods and services in a residentially compatible design, for surrounding neighborhoods, and to provide appropriate uses for sites on arterials and collectors unsuitable for residential development due to lot configuration, safety and noise.

NEIGHBORHOOD MEETING

A neighborhood meeting was held Thursday, March 28, 2019, at 1901 Boston Street. No surrounding property owners attended the meeting.

STAFF COMMENTS

In staff's opinion, the proposed Commercial Compatible Neighborhood (C-1) zoning district is compatible with the surrounding Transitional and Residential zoning districts. A copy of the land uses permitted by right and by conditional use approval is enclosed.

STAFF RECOMMENDATIONS

Staff recommends approval of the rezoning application conditional upon Planning Commission approval of the companion conditional use application.

Commercial-1 Land Uses

Permitted by Right:

- Abstract services
- Accessory residential dwelling unit
- Accounting, tax, bookkeeping, payroll
- Advertising and media services
- Antique Shop
- Architectural, engineering
- Arts and craft shop
- ATM
- Bakery or confectionery shop
- Bank, credit union, or savings institution
- Bicycle Sales & Services (no outside storage)
- Bookstore
- Bridal shop
- Business support services
- Cameras, photographic supplies and services
- Child and youth services (office)
- Clothing, jewelry, luggage, shoes, accessories
- Collection agency
- Computer and software shop
- Consulting services
- Contractor's office
- Cosmetics, beauty supplies, and perfume stores
- Credit and finance establishment
- Emergency response station
- Facilities support services
- Fire and rescue station
- Florist Shop
- Fund, trust or other financial establishment
- Gift shop
- Government Office
- Grocery store or supermarket
- Hobby Shop
- Insurance office
- Investment banking, securities and brokerages
- Laundry and cleaning facilities (self-service)
- Laundry, cleaner (drop-off station)
- Legal services
- Locksmith
- Office and administrative services
- Offices, corporate

- Offices, general
- Optical Shop
- Pharmacy or Drug Store
- Photocopy shop
- Photography Studio
- Police substation (no incarceration)
- Property management services (office only)
- Shoe Repair Shop
- Tailor Shop
- Tobacco Shop

Permitted with Conditional Use Approval:

- Amateur radio transmitting towers
- Art dealers, art studio, galleries, supplies
- Barber shop/salon/spa/massage services
- Bed and breakfast inn
- Bicycle sales and service
- Church, synagogue, temple, mosque
- Commercial communication towers
- Community recreation center
- Country club
- Fine art and performance education
- Fruit and vegetable store
- Golf course
- Graphic, industrial, interior design
- Mail services
- Nursery school
- Park or playground (public and nonpublic)
- Parking Lot (off site) (See Section 27-601-11)
- Police station
- Preschool
- Restaurant
- School business professional
- Senior citizen center
- Tanning Salons
- Tattoo/body piercing parlor
- Utility substation

Permitted with Accessory Use Approval:

- Rectory, Convent, Monastery

PETITION FOR CHANGE IN ZONING MAP

Before the Planning Commission of the City of Fort Smith, Arkansas

The undersigned, as owner(s) or agent for the owner(s) of the herein described property, makes application for a change in the zoning map of the City of Fort Smith, Arkansas, pursuant to Ordinance No. 3391 and Arkansas Statutes (1974) 19-2830, representing to the Planning Commission as follows:

1. The applicant is the owner or the agent for the owner(s) of real estate situated in the City of Fort Smith, Sebastian County, Arkansas, described as follows: (Insert legal description)

Part of the S/2 of the NE/4 of the NE/4 of the NW/4 of Section 28, Township 8 North, Range 32 West, Fort Smith, Sebastian County, Arkansas, containing 0.17 Acres more or less.

Full Description Attached.

2. Address of property: 1901 South Boston Street
3. The above described property is now zoned: T-1 (Transitional)
4. Application is hereby made to change the zoning classification of the above described property to C-1 (Commercial by Classification
Neighborhood Compatible)(Extension or classification).
5. Why is the zoning change requested?
The property owner wants to utilize the structure on the property as a
salon/esthetician facility. This is allowed as a Conditional Use under C-1 Zoning.
6. Submit any proposed development plans that might help explain the reason for the request.

Signed:

Ron Brixey

Owner or Agent Name
(please print)

Owner

5223 East Hwy. 45, Fort Smith, Ar. 72916

Owner or Agent Mailing Address

479-646-6394

Owner or Agent Phone Number

or
Agent

NOTICE OF PUBLIC HEARING

Notice is hereby given that the undersigned, as owner(s) or agent for the owner(s) of the following described property in the Fort Smith District of Sebastian County, Arkansas, to wit:

Part of the S/2 of the NE/4 of the NE/4 of the NW/4 of Section 28, T-8-N, R-32-W,
Fort Smith, Sebastian County, Arkansas.

Address of property 1901 South Boston has filed with the Director of Planning a
(Street Address)

written application pursuant to Section 4-1 of the Zoning Code of the City of Fort Smith

Arkansas, to request a zone change from T-1 to C-1

by Classification
(Classification or Extension)

The undersigned will present said application to the City Planning Commission at its first regular meeting following the expiration of fifteen(15) days from the date of this publication, at which meeting the Planning Commission will conduct a public hearing on said application. All interested persons are invited to attend and are entitled to be heard.

This notice published this _____ day of _____, 20____.
(City will insert Date)

LETTER REGARDING RESTRICTIVE COVENANTS

Restricted covenants are regulations that are maintained and enforced by the property owners of the subject subdivision. These covenants may be found in your abstract or at the County Circuit Clerks Office. Restrictive covenants are often enforced in subdivisions with homeowner's associations and can always be more restrictive but never less restrictive than the City of Fort Smith's Zoning Regulations. *(See attached additional information on restrictive covenants)*

TO: Planning Department

SUBJECT: Legal Description of Property *(Insert legal description)*

Part of Section 28, T-8-N, R-32-W

Complete Description Attached.

I have searched all applicable records, and to my best knowledge and belief, there are no restrictive covenants running with the above described land except as follows: *

None



Signature

(If no restrictive covenants exist, indicate "none".)*

LIST OF OWNERS OF ALL PROPERTY TO BE REZONED

List the names and addresses of all owners of property included within the area requested by this petition to be rezoned.

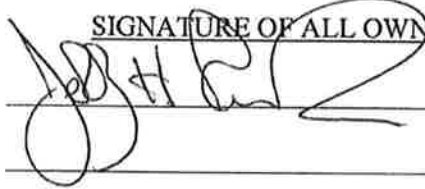
<u>NAME</u>	<u>ADDRESS</u>
1. Jeff Fenwick	1615 Dodson Avenue, Fort smith, Ar. 72901
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	

AUTHORIZATION OF AGENT

If an agent (i.e., contractor) is acting on behalf of the owner(s), all owners must sign in the space provided. This form is necessary only when the person representing this request does not own all the property.

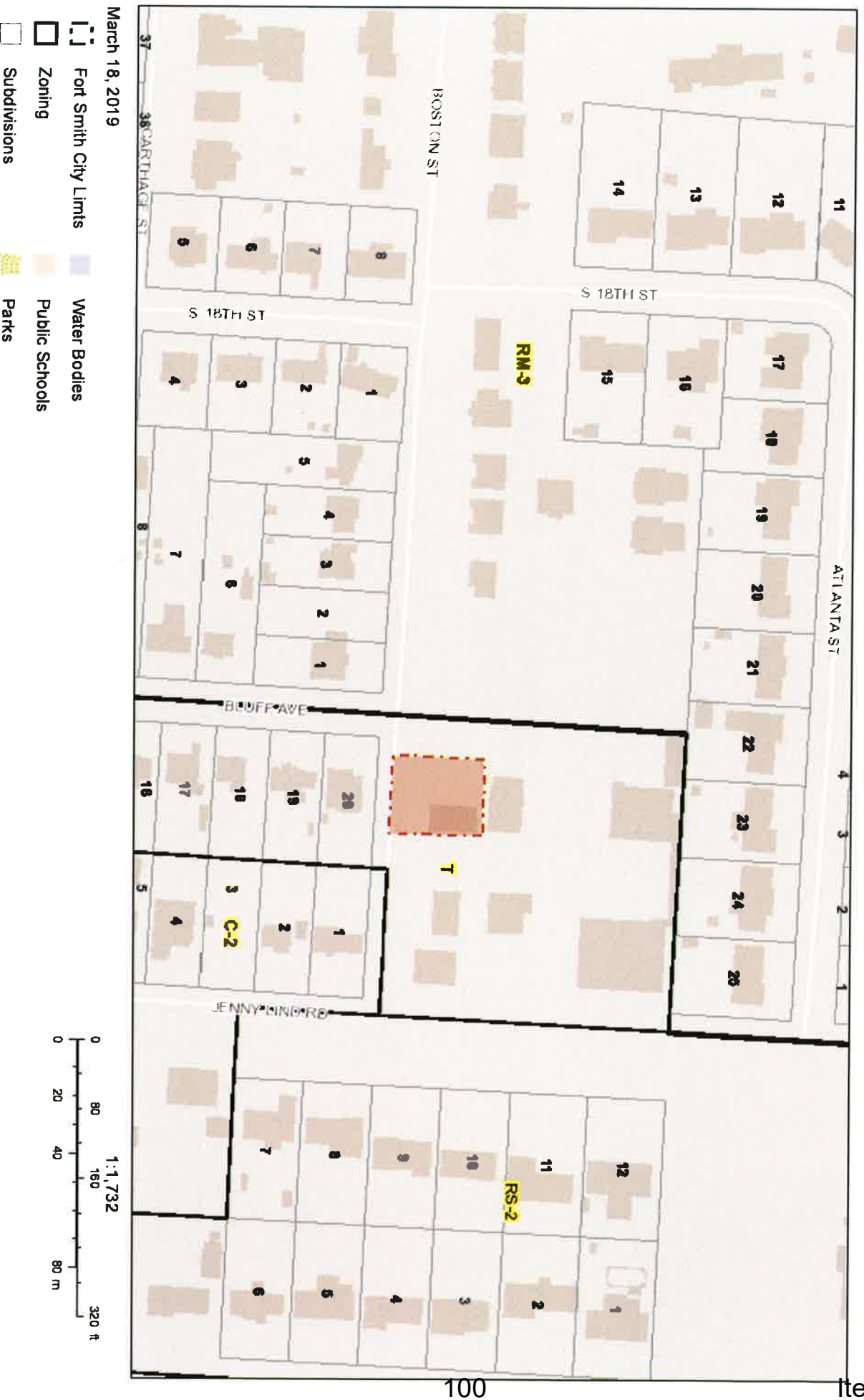
We the undersigned, being owners of real property, and requesting a rezoning by application do hereby authorize Ron Brixey to act as our agent in the matter.
(Print Name of Agent)

(Type or clearly print)

<u>NAMES OF ALL OWNERS.</u>	<u>SIGNATURE OF ALL OWNERS.</u>
1. <u>Jeff Fenwick</u>	
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____

This form is necessary only when the person representing this request does not own all property.

Rezoning #6-4-19: From Transitional (T) to Commercial Neighborhood (C-1) 1901 Boston Street



Variance, Rezoning and Conditional Use
1901 Boston Street



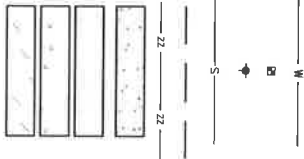


OWNER AND DEVELOPER:
JEFF FENWICK
1615 BOSSON AVENUE
FORT SMITH, AR 72901
479-650-9904

1" = 500'

FLOOD ZONE STATEMENT
THE PROPERTY IS LOCATED IN ZONE "X", BEING OUTSIDE
THE 100-YEAR FLOOD ZONE AS GRAPHICALLY DEPICTED
ON F.I.R.M. MAP NO. 05130310F, DATED MARCH 2, 2012.

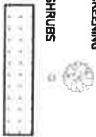
BASE OF BEARING: Grid North as
determined by Gas Observation



SURVEYOR'S CERTIFICATE
I, Ronald N. Brixy, hereby certify that this plot correctly
represents a boundary survey of the subject property based upon
record data.

SURVEY DESCRIPTION:
Part of the South Half (S/2) of the Northeast Quarter (NE/4) of
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Section 28, Township 8 North, Range 32 West, Sebastian County,
Arkansas being more particularly described as follows:
Commencing at the Northeast corner of said S/2 of the NE/4 of
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>2" RED MAPLE TREE
MIN. 24" BURFORD HOLLY SHRUBS



INTERIOR PARKING
Station - 3 Operator Stations @ 2 Spaces per Station = 6 Spaces Required
3 Employees @ 1 Space per 2 employees = 1.5 Spaces Required
Total Spaces Required = 6 + 1.5 = 7.5 - 8 Spaces Provided



**BRIXY ENGINEERING &
LAND SURVEYING, INC.**
CONSULTING ENGINEERS -- LAND SURVEYORS
6223 East Highway 48 P.O. Box 6780 Fort Smith, Arkansas 72906 (479) 646-6364



Revisions
4/20/19 - Landscaping Added



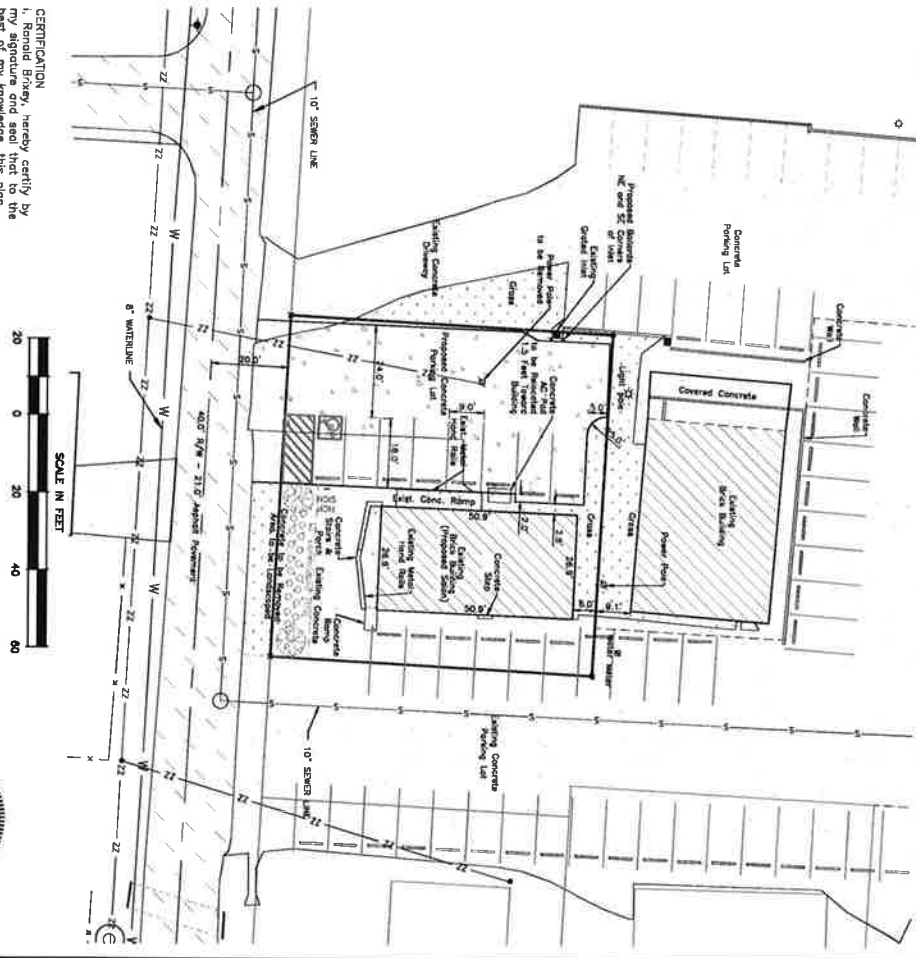
DEVELOPMENT PLAN
PART OF THE S/2, NE/4, NE/4, NW/4
SECTION 28, T-8-N, R-32-W
CITY OF FORT SMITH
SEBASTIAN COUNTY, ARKANSAS
Prepared by: Jeff Fenwick

Date: 3/27/2019
Drawn By: JMB
Approved:
Job No. 18-0127
Sheet:
Fold:

TRASH COLLECTION
ALL WASTE AND TRASH WILL BE COLLECTED AND KEPT INDOORS EXCEPT ON TRASH PICKUP DAYS.

EXTERIOR LIGHTING
ALL EXTERIOR LIGHTING WILL COMPLY WITH UDO SECTION 27-602-5.

SIGNAGE
ALL PROPOSED SIGNS WILL BE PERMITTED SEPARATELY



© BRIXY ENGINEERING & LAND SURVEYING, INC. 2019
This plan was prepared by the undersigned and is a true and correct copy of the original plan as filed with the Arkansas State Board of Surveying and Mapping. It is hereby certified that the same comply with the provisions of the Arkansas Surveying and Mapping Act of 1967, as amended.

March 29 2019

MINUTES OF NEIGHBORHOOD MEETING
1900 BOSTON STREET
FORT SMITH, ARKANSAS

On March 28, 2019 at 4:00 p.m. a Neighborhood meeting was held at 1901 Boston Street, being the subject property, to allow the neighboring property owners the opportunity to ask questions and to comment on a proposed Petition for Change in Zoning from "Transitional" to "Commercial Neighborhood Compatible", a Request for a Variance from the Commercial zoning requirement that the property access be from a Collector street (Boston Street is classified as a Local street), and a Request for Variance from the requirement for perimeter landscaping and parking lot screening. The developer has also submitted an Application for Conditional Use due to the proposed use being listed as conditional under the proposed zoning. As a part of the Conditional Use request, the proposed Development Plan has also been submitted for review.

Two people were in attendance.. Jeff Fenwick, the owner, presided. Rebecca Aird represented Brixey Engineering & Land Surveying, Inc. The City was not represented.

Mr. Fenwick and Rebecca Aird waited for additional attendees until 4:25 at which time the meeting was adjourned.

Conditional Use

Memo

To: City Planning Commission

From: Planning Staff

Date: March 25, 2019

Re: Conditional Use #7-4-19 - A request by Ron Brixey, agent, for Planning Commission consideration of a Conditional Use request to develop a Barber Shop/Salon/Spa/Massage Service at 1901 Boston Street

PROPOSED CONDITIONAL USE

Approval of the requested conditional use will allow for the reuse of the existing building as a salon.

LOT LOCATION AND SIZE

The subject property is on the north side of Boston Street just west of Jenny Lind Road. The tract contains an area of 0.17 acres with approximately 88 feet of street frontage along Boston Street.

PROPOSED ZONING

The existing zoning is Transitional (T). The applicant has submitted a companion rezoning application proposing Commercial Neighborhood Compatible (C-1).

Purpose:

To provide small scale areas for limited office, professional service, and local retail businesses designed in scale with surrounding residential land uses. The C-1 zoning district encourages the incorporation of compatible neighborhood commercial uses in close proximity to residential uses for easy and convenient accessibility and the promotion of pedestrian-oriented development. C-1 zoning is appropriate in the Commercial Neighborhood, General Commercial, Mixed Use Residential, and Mixed Use Employment classification of the Master Land Use Plan.

Permitted Uses:

Computer and software shop, locksmith, bookstore, bridal shop, cameras, photographic supplies and services, gift shop, antique shop, arts and crafts shop, florist shop, hobby shop, grocery store, banking services, pharmacy or drug store, offices, self service laundry, tailor shop, fire and police station are examples of permitted uses.

Conditional Uses:

Bicycle sales and service, art dealers, art studio, galleries, fruit and vegetable store, restaurant, barber shop, salon, tanning salon, mail services, commercial communication towers, amateur radio transmitting towers, utility substation, country club, parks, nursery school, preschool, police station, senior citizen center and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Maximum Lot Size – 21,000 square feet	Maximum Height - 35 feet (1+1)
Maximum Building Size – 30,000 square feet	Maximum Lot Coverage - 60%
Minimum Parcel/Lot Size – New District (By Classification) – 7,000 square feet	
Minimum Parcel/Lot Size – Existing District (By Extension) – 7,000 square feet	
Minimum Lot Width – 50 feet	
Minimum Street Frontage – 20 feet	
Front Yard Setback - 25 feet	
Side Yard on Street Side of Corner Lot - 10 feet	
Side Yard Setback – 10 feet	
Rear Yard Setback - 10 feet	
Minimum building separation – to be determined by current City building and fire code.	
Required street access – Residential Collector or higher	

SURROUNDING ZONING AND LAND USE

The area to the north is zoned Transitional (T) and developed as office buildings.

The area to the east is zoned Transitional (T) and developed as a dentist office, office building, and an insurance office.

The area to the south is zoned Transitional (T) and developed as a single family residence.

The area to the west is zoned Residential Multifamily Medium Density (RM-3) and is undeveloped.

PURPOSE OF CONDITIONAL USE

Certain uses are defined as conditional uses because of the potential harmful effects the use can cause to nearby properties and because the requirements to eliminate harmful effects vary from site to site. In considering conditional uses, the Planning Commission will review the overall compatibility of the planned use with the surrounding property as well as specific items such as screening, parking, and landscaping to make sure that no harmful effects occur to nearby properties.

CONDITIONS FOR A CONDITIONAL USE

All requirements for a Conditional Use must be met before any part of the use may be utilized. If any specific condition is not met, the Conditional Use authorization may be revoked by the City of Fort Smith pursuant to Section 27-314.

Requirements for a Conditional Use must begin to be met within one (1) year of the authorization unless a special time limit has been imposed by the Planning Commission. An extension of time beyond one (1) year or that imposed by the Planning Commission may be granted by the Director one (1) time for up to ninety (90) days.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Boston Street as a Local Road.

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as COMMERCIAL NEIGHBORHOOD. This classification is to provide convenience goods and services in a residentially compatible design, for surrounding neighborhoods, and to provide appropriate uses for sites on arterials and collectors unsuitable for residential development due to lot configuration, safety and noise.

NEIGHBORHOOD MEETING

A neighborhood meeting was held Thursday, March 28, 2019, at 1901 Boston Street. No surrounding property owners attended the meeting.

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – Ingress and egress will be on the west side of the property.

Parking – A new parking lot is proposed on the west side of the existing building with 8 parking spaces in compliance with the UDO minimum parking requirements for three operator stations and three employees.

Easement/utilities – The developer must agree to meet all franchise and city utility easement requirements. Additionally, the development must comply with the City's Subdivision Design and Improvement Standards and the Standard Specification for Public Works Construction.

Drainage – N/A

Right-of-way dedication – No new R.O.W. is required.

Sidewalks – No sidewalks are proposed.

Landscaping – No landscaping is proposed. However, perimeter landscaping could be installed on the east side of the property.

Screening – No dumpster is proposed at this time. If the applicant decides to include one, details must be provided showing that it is completely screened.

Signage – No signage is shown. All proposed signage must be submitted for staff review and approval.

Lighting – No exterior lighting is proposed. All proposed exterior lighting must comply with the UDO Commercial and Outdoor lighting requirements.

STAFF RECOMMENDATIONS

Staff recommends approval of the application with the following comments:

1. Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
2. All proposed exterior lighting must comply with the UDO Commercial and Outdoor lighting requirements.
3. If a dumpster is proposed, details must be provided showing that it is completely screened in compliance with the UDO.
4. A sign permit application for all proposed signage must be submitted for staff review and approval prior to installation.

Conditional Use # _____

APPLICATION FOR CONDITIONAL USE

Name of Property Owner: Jeff Fenwick

Name of Authorized Agent (if applicable) Ron Brixey

Legal Description of property included in the conditional use request:

Part of Section 28, T-8-N, R-32-W - A Complete Description is attached.

Street Address of Property:

1901 South Boston Fort Smith AR 72904

Existing Zoning Classification:

T-1 (Transitional)

Proposed Zoning Classification (if applicable):

C-1 (Commercial Neighborhood Compatible)

Describe Proposed Conditional Use Request, including the development of any construction proposed of the property:

Use of the property as a Salon/esthetitian facility. The use will require construction of a parking lot.

What amenities are proposed such as landscaping and screening?

None - A variance request has been submitted.

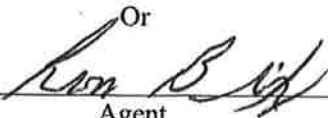
Owner or Agent Name (please print)

Signed:

Owner or Agent Mailing Address

Owner

Owner or Agent Phone Number

Or

Agent

LETTER REGARDING RESTRICTIVE COVENANTS

Restricted covenants are regulations that are maintained and enforced by the property owners of the subject subdivision. These covenants may be found in your abstract or at the County Circuit Clerks Office. Restrictive covenants are often enforced in subdivisions with homeowner's associations and can always be more restrictive but never less restrictive than the City of Fort Smith's Zoning Regulations. *(See attached additional information on restrictive covenants)*

TO: Planning Department

SUBJECT: Legal Description of Property *(Insert legal description)*

Part of Section 28, T-8-N, R-32-W

Complete Description Attached.

I have searched all applicable records, and to my best knowledge and belief, there are no restrictive covenants running with the above described land except as follows: *

None



Signature

(If no restrictive covenants exist, indicate "none".)*

AUTHORIZATION OF AGENT

If an agent (i.e., contractor) is acting on behalf of the owner(s), all owners must sign in the space provided. This form is necessary only when the person representing this request does not own all the property.

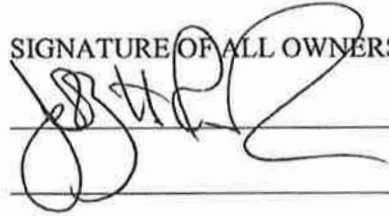
We the undersigned, being owners of real property, and requesting a conditional use by application do hereby authorize Ron Brixey to act as our agent in the
(Print Name of Agent)

matter.

(Type or clearly print)
NAMES OF ALL OWNERS.

1. Jeff Fenwick
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

SIGNATURE OF ALL OWNERS.



This form is necessary only when the person representing this request does not own all the property.

SURVEY DESCRIPTION:

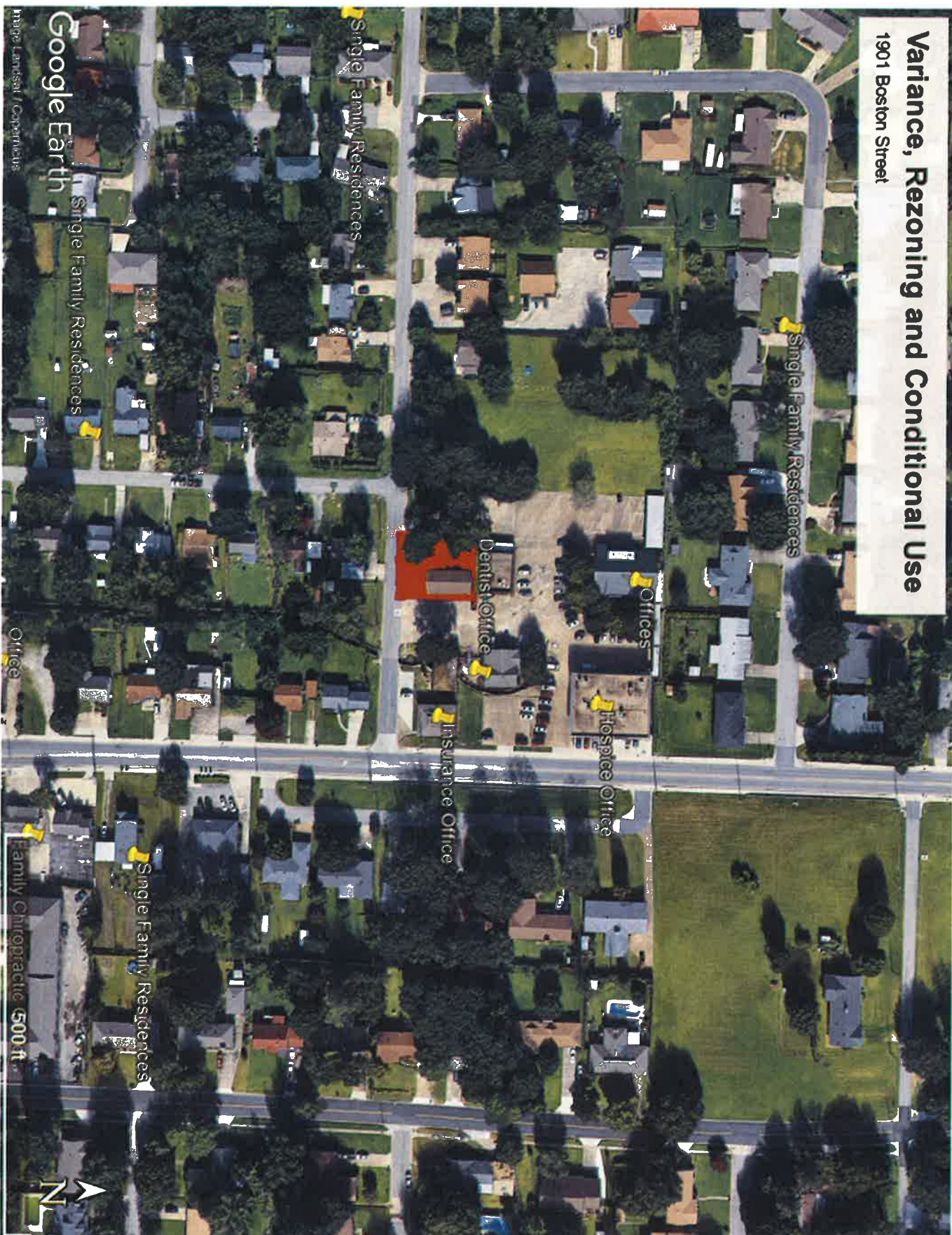
Part of the South Half (S/2) of the Northeast Quarter (NE/4) of the Northeast Quarter (NE/4) of the Northwest Quarter (NW/4) of Section 28, Township 8 North, Range 32 West, Sebastian County, Arkansas being more particularly described as follows:

Commencing at the Northeast corner of said S/2 of the NE/4 of the NE/4 of the NW/4; thence N $86^{\circ}48'19''$ W, 25.00 feet; thence; thence S $03^{\circ}15'29''$ W, 314.37 feet; thence N $86^{\circ}55'23''$ W, 177.63 feet to a found punch mark in concrete being the Point of Beginning; thence N $86^{\circ}52'36''$ W, 88.55 feet to a found "X" in concrete; thence N $03^{\circ}12'45''$ E, 84.24 feet to a found iron pin; thence S $86^{\circ}47'49''$ E, 88.51 feet to a found concrete nail; thence S $03^{\circ}10'47''$ W, 84.12 feet to the point of beginning, containing 0.17 acres more or less being subject to existing rights of way and easements of record.

Conditional Use #7-4-19: Barber Shop/Salon/Spa/Massage Services 1901 Boston Street



Variance, Rezoning and Conditional Use
1901 Boston Street





OWNER AND DEVELOPER:
JEFF FENWICK
1815 DODSON AVENUE
FORT SMITH, AR 72801
479-650-9904

1" = 500'

FLOOD ZONE STATEMENT
THE PROPERTY IS LOCATED IN ZONE "X", BEING OUTSIDE THE 500 YEAR FLOOD ZONE, AS GRAPHICALLY DEPICTED ON F.I.R.M. MAP NO. 051310010F, DATED MARCH 2, 2012.

BASE OF GRADE FOR ALL NOTES TO BE DETERMINED BY GPS COLLECTION.



SURVEYOR'S CERTIFICATE
I, Ronald R. Braxey, hereby certify that this plot correctly represents the boundary survey of the subject property based upon record data.

SURVEY DESCRIPTION:

Part of the South Half (S/2) of the Northeast Quarter (NE/4) of the Northeast Quarter (NE/4) of the Northwest Quarter (NW/4) of Section 26, Township 8 North, Range 32 West, Sebastian County, Arkansas. The survey commences at the Northwest corner of said S/2 of the NE/4 of the NW/4, thence N 85°48'19" W, 25.00 feet; thence, thence S 03°15'29" W, 314.37 feet; thence N 85°52'35" W, 177.63 feet to a found punch mark; in concrete being the Point of Beginning; thence N 03°12'45" E, 84.24 feet to a found iron pin; thence S 86°47'48" E, 88.51 feet to a found concrete nail; thence S 03°10'47" W, 84.12 feet to the point of beginning, containing 0.17 acres more or less being subject to existing rights of way and easements of record.

PROPOSED LANDSCAPING/SCREENING
2" RED MAPLE TREE
MIN. 24" BURFORD HOLLY SHRUBS

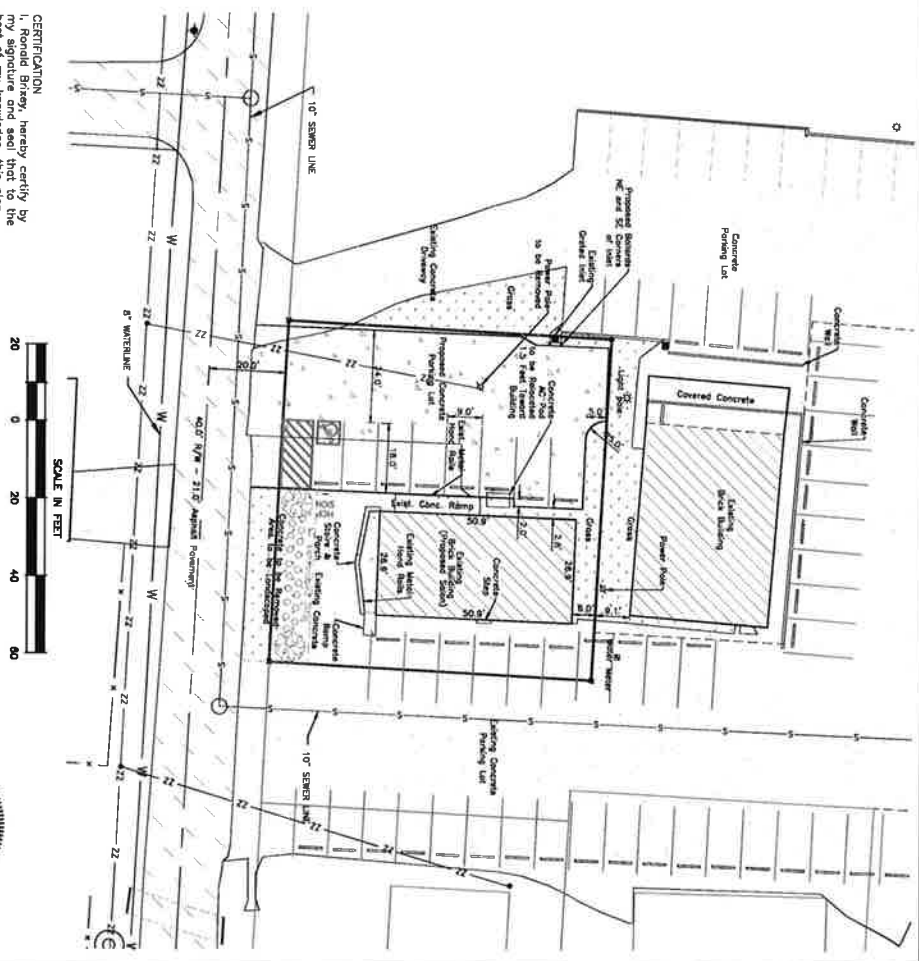


INTERIOR PARKING
Station - 3 Operator Stations @ 2 Spaces per Station = 6 Spaces Required
3 Employees @ 1 Space per 2 Employees = 1.5 Spaces Required
Total Spaces Required = 6 + 1.5 = 7.5 - 8 Spaces Provided

TRASH COLLECTION
ALL WASTE AND TRASH WILL BE COLLECTED AND KEPT INDOORS EXCEPT ON TRASH PICKUP DAYS.

EXTERIOR LIGHTING
ALL EXTERIOR LIGHTING WILL COMPLY WITH IADO SECTION 27-602-5.

SIGNAGE
ALL PROPOSED SIGNS WILL BE PERMITTED SEPARATELY



BRIXEY ENGINEERING & LAND SURVEYING, INC.
CONSULTING ENGINEERS - LAND SURVEYORS
8233 East Highway 415 P.O. Box 9780 Fort Smith, Arkansas 72808 (479) 646-6964



Revisions	4/23/18 - Landscaping Added



DEVELOPMENT PLAN
PART OF THE S/2, NE/4, NE/4, NW/4
SECTION 26, T-8-N, R-32-W
CITY OF FORT SMITH
SEBASTIAN COUNTY, ARKANSAS
Prepared For: Jeff Fenwick

Date: 3/27/2018	Drawn By: RMB
Approved:	Job No.: 18-0317
Sheet:	Final

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March 29 2019

MINUTES OF NEIGHBORHOOD MEETING
1900 BOSTON STREET
FORT SMITH, ARKANSAS

On March 28, 2019 at 4:00 p.m. a Neighborhood meeting was held at 1901 Boston Street, being the subject property, to allow the neighboring property owners the opportunity to ask questions and to comment on a proposed Petition for Change in Zoning from "Transitional" to "Commercial Neighborhood Compatible", a Request for a Variance from the Commercial zoning requirement that the property access be from a Collector street (Boston Street is classified as a Local street), and a Request for Variance from the requirement for perimeter landscaping and parking lot screening. The developer has also submitted an Application for Conditional Use due to the proposed use being listed as conditional under the proposed zoning. As a part of the Conditional Use request, the proposed Development Plan has also been submitted for review.

Two people were in attendance.. Jeff Fenwick, the owner, presided. Rebecca Aird represented Brixey Engineering & Land Surveying, Inc. The City was not represented.

Mr. Fenwick and Rebecca Aird waited for additional attendees until 4:25 at which time the meeting was adjourned.

Memo

To: City Planning Commission

From: Planning Staff

Date: March 20, 2019

Re: Home Occupation #3-4-19 - A request by Mamie Feimster, owner, for Planning Commission consideration of a mobile ice cream truck located at 2410 North 32nd Street in a Residential Multifamily Medium Density (RM-3) zone

PROPOSED HOME OCCUPATION

Approval of the home occupation will allow the applicant to operate a mobile ice cream truck and park the ice cream truck at the residence.

LOT LOCATION AND SIZE

The subject property is on the east side of North 32nd Street between Kelley Hwy and Carnes Avenue. The tract contains an area of 0.3 acres with approximately 102 feet of street frontage along North 32nd Street.

EXISTING ZONING

The existing zoning on this tract is Residential Multifamily Medium Density (RM-3). Characteristics of this zone are as follows:

Purpose:

To provide for medium density attached homes, including multi-unit residential buildings in areas where such development already exists or is planned for the future. The RM-3 zoning district is appropriate in urban areas within the Residential Attached, Mixed Use Residential, Mixed Use Employment, Commercial Neighborhood, and General Commercial Land use categories of the Master Land Use Plan.

Permitted Uses:

Single-family, duplex dwellings, multifamily (apartment and condominiums), community residential facility, family and neighborhood group homes and retirement housing are examples of permitted uses.

Conditional Uses:

Assisted living, bed and breakfast inn, dormitory, sorority, fraternity, rooming or boarding house, commercial communication towers, amateur radio transmitting towers, community recreation center, golf course, utility substation, country club, parks, college, primary and secondary schools, preschool, nursery schools, police and fire stations, daycare homes, senior citizen center, churches and rectory, convent, monastery are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 6,500 square feet	Maximum Height - 40 feet (1+1)
Maximum Density – 20 Dwelling Units/Acre	Maximum Lot Coverage - 65%
Minimum Lot Width at Building Line – 60 feet	
Minimum Street Frontage – 20 feet	
Front Yard Setback - 25 feet	
Side Yard on Street Side of Corner Lot - 15 feet	
Side Yard Setback – 7.5 feet	
Rear Yard Setback - 10 feet	
Side/Rear adjacent to RS district/development – 30 feet	
Minimum building separation – 10 feet	

SURROUNDING ZONING AND LAND USE

The area to the north is zoned (RM-3) and developed as a single family residence.

The areas to the east, south, and west are zoned (RM-3) and are undeveloped.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies North 32nd Street as a local road.

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as Residential Detached. This classification is intended to create and maintain stable neighborhoods, provide safe, attractive family environments, and protect property values.

PLANNING COMMISSION AUTHORITY

The *Unified Development Ordinance* allows the Planning Commission the authority to grant to residents of Residential-3 (RS-3 and RM-3), Residential-4 (RS-4 and RM-4) and Historic-1 (RH) zones the privilege of engaging in the limited pursuit of an occupation, operating minimal business activities or offering limited professional services in their homes, provided that in the opinion of the Planning Commission, those activities do not conflict with the purposes and objectives of this chapter as stated in Section 27-101 and provided such activities comply with this section as well as any conditions and limitations the Planning Commission deems necessary for any particular case in carrying out the spirit and intent of a section.

COMPATIBILITY/CONDITIONS

The planning commission is not required to approve an application for the operation of any home occupation which, in its opinion, is not compatible with the integrity of the neighborhood. The Planning Commission may impose conditions and restrictions on the property benefited by the home occupation use to reduce or minimize the injurious effects of the home occupation.

NEIGHBORHOOD MEETING

A neighborhood meeting was not required or held.

STAFF COMMENTS

Ms. Feimster indicates in her application that she will operate the ice cream truck five days a week from 1 p.m. to 6 p.m. No customers will come to the home and she will park the ice cream truck inside the garage.

STAFF RECOMMENDATIONS

In addition to the attached Section 27-338-4F (Minimum Requirements for Consideration) Planning Staff recommends approval of the requested home occupation subject to the following:

The business license cannot be transferred to another residence without a new Home Occupation Application.

HOME OCCUPATION REQUIREMENTS

Sec. 27-338-4F. Minimum requirements for consideration

The planning commission, in reviewing applications under this section, may consider the performing of a skill, talent, service or profession on a limited basis as a home occupation only if it complies with all of the following:

1. The area to be used for the home occupation is no greater than thirty (30%) percent of the living space of the residence.
2. There shall be no occupational activity on the premises outside of the main structure. An existing detached building which is utilized in conjunction with a home occupation shall be no larger than three hundred (300) square feet in size and can only be utilized for storage of materials.
3. No sign may be used in the operation of the business.
4. No outdoor display of any goods or services and no outdoor storage of materials or equipment are allowed.
5. The home occupation is required to be run only by the resident members of the household and shall not have any other employees, concessionaires or other operators or helpers whether such business is conducted on the premises or off the premises.
6. No sale of any retail or wholesale item or items is allowed on the premises unless they are considered as an accessory item of the approved business. Items drop-shipped or delivered by order may be permissible only after the Planning Commission has approved such operation.
7. Any business conducted on the premises shall be by appointment only, such that no more than two (2) patrons shall be at the business at any one time.
8. The Planning Commission shall have the authority to limit the operating hours of a business where it deems it necessary in order to assure compatibility with the residential neighborhood.
9. The resident shall not utilize the address of the property in any form of business advertising. This includes, but is not limited to, paid commercial advertising, telephone directory advertising, flyers, business cards, etc.
10. The home occupation shall not produce any fumes, odors, noise or any other offensive effects that are not normal to residential activity.
11. The home occupation shall not require the construction of any additional off-street parking areas which would detract from the residential character of the neighborhood. The Planning Commission in exceptional circumstances may allow the construction of additional off-street parking, but under no circumstances more than two (2) spaces in addition to those currently in use for residential purposes. All parking and maneuvering areas must be completely contained on private property. A parking site plan must be approved by the Planning Commission where a business would require customers coming to the property.
12. A commercial trash container shall not be utilized.
13. All vehicles shall be parked in compliance with Section 14-52, Section 14-54, and Section 14-55 of the Fort Smith Municipal Code.

APPLICATION FOR HOME OCCUPATION

(Please print or type)

Name of Applicant: Mamie Feimster

Legal Description of property included in the home occupation request:

Lot 5+6
Block 7
Subdivision fairground addition

Street Address of Property: 2410 N. 32nd

Zone Classification: _____

Type of Business Requested: mobile icecream truck

Signed:

Mamie Feimster
Applicant's Name (please print)

479-561-1862
Phone Number of Applicant

2410 N. 32nd - Fort Smith, AR.
Applicant Mailing Address
72904

Mamie Feimster
Applicant

3-14-19
Date

Mamie Feimster
Property Owner

3-14-19
Date

(if rental property)

Home Occ. # _____

HOME OCCUPATION INFORMATION FORM

1. Describe what type of business you are requesting. for mobile ice cream truck
2. Will this business be completely contained in the residential structure? Yes ☒ No ☐
If no, described location. _____
3. What percentage of the residential floor area will be required to operate the business?
60 sq. ft.
4. Will operation of the business utilize any persons other than members of the immediate household? Yes ☐ No ☒
5. At what hours and days of the week do you plan to operate the business? 1-6 pm 5 days a week
6. Will there be any noise No, odor NO, or other outdoor activity NO associated with the business? If yes, explain. _____
7. Will materials or supplies be stored at this location? Yes ☒ No ☐
8. How much storage will be needed? 2 need chest freezers
9. Will merchandise be sold at this location? Yes ☐ No ☒ If yes, explain. Will store ice cream in freezer
10. Will you have any business vehicles? Yes ☒ No ☐ If yes, describe below.
Type of Vehicle:
Make Chevrolet Model ASTRO
Color GREEN Length (trailer) _____
11. Will this business require any license, certification, accreditation other than a city occupation license? Yes ☐ No ☒ What type? _____
12. Can you operate this business by appointment only? Yes ☐ No ☐
Explain: NO customers will be coming to the home

13. Will customers come to this location? Yes ____ No ☒
14. How many customers do you expect to have coming to your home at any one time?
NONE
15. Do you expect any drop-in customers? Yes ____ No ☒
16. How do you plan to provide parking for customers? _____

17. Do you plan to advertise this business? Yes ____ No ☒
If yes, by what methods? _____
18. Do you understand advertising the street address is not permitted? (Including the telephone directory listings.) Yes ☒ No ____
19. Do you understand the utilization of a sign in conjunction with this business is not permitted? Yes ☒ No ____
20. Will the Home Occupation require a commercial trash container (dumpster)?
Yes ____ No ☒
21. Do you own or rent this property? OWN
22. If renting, please attach a letter from the property owner giving you permission to operate this home occupation.
23. Do you live at this location? Yes ☒ No ____
24. Do you understand that failure to comply with the home occupation requirements could constitute the revoking of the occupation license issued for this business?
Yes ☒ No ____
25. Provide any other information that you feel helpful.

LETTER REGARDING RESTRICTIVE COVENANTS

Restricted covenants are regulations that are maintained and enforced by the property owners of the subject subdivision. These covenants may be found in your abstract or at the County Circuit Clerks Office. Restrictive covenants are often enforced in subdivisions with homeowner's associations and can always be more restrictive but never less restrictive than the City of Fort Smith's Zoning Regulations. *(See attached additional information on restrictive covenants)*

TO: Planning Department

SUBJECT: Legal Description of Property

RM-3

I have searched all applicable records, and to my best knowledge and belief, there are no restrictive covenants running with the above described land, except as follows:

NONE

Home Occupation #3-4-19: Mobile Ice Cream Truck 2410 North 32nd Street





